



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P. (MD) No.11483 of 2020

and

CrI.M.P (MD) No.5245 of 2020

WEB COPY

- 1.Chandra Kumar
- 2.Vijayaragavan
- 3.Pragalathan
- 4.Vino
- 5.Krishnadhas
- 6.Santhosh Kumar
- 7.Pravin
- 8.Viju
- 9.Raja Rethinam
- 10.Kumar

... Petitioners

Vs.

- 1.The Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.
Crime No.345 of 2018.

- 2.Brigle Bobby

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records from the learned Judicial magistrate No.II, Kuzhithurai, in C.C.No.1 of 2020 and quash the same as it has no *prima facie* case against the petitioners.

For Petitioners	: Mr.Ananth C.Rajesh
For R1	: Mrs.S.E.Veronica Vincent, Government Advocate (Criminal Side)

O R D E R

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2.The petitioners are figuring as accused in C.C.No.1 of 2020 on the file of the learned Judicial Magistrate No.II, Kuzhithurai. The petitioners' counsel reiterated all the contentions set out in the memorandum of the grounds.

3.I am afraid that I will have to undertake an investigation into the factual aspects, if the petitioners' contentions are to be appreciated. Such a course of action is not permissible while exercising jurisdiction under Section 482 of Cr.P.C. Therefore,



leaving open the petitioners' contentions, this Criminal Original Petition is disposed of.

4.The appearance of the petitioners before the Court below is dispensed with. They have to appear only on those occasions when their appearance is necessary and imperative and on all other occasions, the petitioners can be represented through their counsel. If the counsel also fails to appear, then the benefit of this order will automatically get vacated. I make it clear that I have not gone into the merits of the matter. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (REcords)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judicial magistrate No.II, Kuzhithurai, Kanyakumari District
- 2.The Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.ANANTH C. RAJESH, Advocate (SR-20579[F] dated 20/10/2020)

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BK (CO)
KB (02.11.2020) 2P 5C