



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.12.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P. (MD)No.14690 of 2020

and

Crl.M.P(MD) Nos.6951 & 6952 of 2020

WEB COPY

1.M.Senthilkumar

2.Mathiazhagan

3.S.Kathirvel

4.D.Saravanan

... Petitioners/Respondents

Vs.

Thirunavukarasu

...Respondent/Petitioner

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned private complaint laid in S.T.C.No.2855 of 2016 on the file of the learned Judicial Magistrate Court, Musiri, and quash the same.

For Petitioners

: Mr.K.Gokul

O R D E R

This petition has been filed seeking to quash the impugned private complaint laid in S.T.C.No.2855 of 2016 on the file of the learned Judicial Magistrate Court, Musiri.

2.The allegation in the complaint is that on 12.04.2015, when the two wheeler driver by the respondent and his brother as a pillion rider were going towards Aamur at 10.30 a.m, the petitioners waylaid the respondent and attacked with iron rod, due to that, the respondent sustained injury. Thereafter, the respondent lodged a complaint dated 18.04.2015 before the Inspector of Police, Vathalai Police Station. Based on the complaint, a case was registered in Crime No.111 of 2015 for the offence under Sections 341, 294(b), 323, 324, 326 and 506(ii) I.P.C. After completing investigation, the case was closed as mistake of fact. Against which, the respondent filed a private complaint before the learned Judicial Magistrate, Musiri in S.T.C.No.2855 of 2016 under Section 200 Cr.P.C against the petitioners. The learned counsel further submitted that after filing this petition, the third petitioner is no more. The second petitioner is working as a Server in Kerala. As far as the other petitioners 1 and 4 are concerned they are doing coolie works and therefore, would pray to dispense with their personal appearance in STC.No.2855 of 2016. The learned counsel further submitted that it would suffice, if a direction is given to the learned Judicial



Magistrate, Musiri to dispose of the matter as early as possible.

3. Heard the learned counsel for the petitioners.

4. During the course of argument, the learned counsel for the petitioners would submit that though this petition is filed for larger relief, he has restricted his prayer and a direction for early disposal would suffice. No prejudice would be caused to the respondent by ordering speedy disposal of the petition and therefore, notice to the respondent is dispensed with.

5. Considering the submission of the learned counsel for the petitioners and considering the present situation, the learned Judicial Magistrate, Musiri, is directed to dispose of the case in S.T.C.No.2855 of 2016, on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. It is represented that the 3rd petitioner died. However, considering the nature of work of the 2nd petitioner as server in Kerala, the personal appearance of the 2nd petitioner before the trial Court is dispensed with except during the dates on which, the learned Judicial Magistrate insists his appearance.

6. With this direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition in Crl.MP.(MD).No.6952 of 2020 is ordered and Crl.M.P(MD).No.6951 of 2020 is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Msa

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

The Judicial Magistrate, Musiri

Crl.O.P. (MD) No.14690 of 2020

and

Crl.M.P (MD) Nos.6951 & 6952 of 2020

22.12.2020

(PU) CO

<https://hservices.courts.gov.in/hservices> 2C