



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.11926 of 2018

and

Crl.M.P. (MD)Nos.5402 and 5403 of 2018

1.Rose Engineering Firm Aqua Division,
Rep. by its partner Mr.Jegannath,
Tiruchendur Road,
Subramaniapuram,
Adichanallur Village,
Srivaikundam Taluk,
Thoothukudi District.

2.Jegannath

... Petitioners/A1 & A2

Vs.

Si.Sankarganesh

... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of the case in S.T.C.No.535 of 2018 on the file of learned Judicial Magistrate, Srivaikundam and quash the same.

For Petitioners : Mr.N.Dilip Kumar

For Respondent : Mr.V.Angusamy

O R D E R

The learned counsel appearing for the petitioners placed considerable materials before me to substantiate his contentions that the entire prosecution is vitiated by malafides and abuse of process. Since I felt that they are essentially factual in nature, it will have to be established during the regular trial, I indicated that I am not in a position to consider the said contentions. Therefore, the learned counsel sought leave to withdraw this criminal original petition. This criminal original petition is dismissed as withdrawn. The defences of the petitioners/A1 and A2 are left fully open. The second petitioner is said to be a senior citizen and he is also suffering serious physical elements. Therefore, his personal appearance before the trial magistrate is



dispensed with. However, the second petitioner will have to be represented by a counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar(CS)

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To:

The Judicial Magistrate, Srivaikundam.

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.

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(2/2)

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