



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.11.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.OP(MD)No.12552 of 2017

and

Crl.MP(MD)No.8634 of 2017

WEB COPY

1.Gopalakrishnan @ Gopal

2.Karthik @ Karthikeyan

: Petitioners/A1 and A2

Vs.

1.State represented by

The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.

(Crime No.236 of 2016)

: R1/Complainant

2.B.Arumugam

: 2nd Respondent/
De-facto Complainant

Prayer: Criminal Original Petition filed under section 482 of the Criminal Procedure Code, to call for the records in CC No.40 of 2017 on the file of the Judicial Magistrate No.2, Sivagangai District and quash the same and pass such further or other orders.

For Petitioners

: Mr.A.Arul Jenifer

For 1st Respondent

: Mr.K.Karmegam
Government Advocate
(Criminal side)

For 2nd Respondent

: Mr.J.Jeyakumaran

O R D E R

(Thro' VC)

This Criminal Original Petition is filed seeking for a direction to quash the case in CC No.40 of 2017 pending on the file of the Judicial Magistrate No.II, Sivagangai District.

2.When the matter is taken up for hearing, the learned Government Advocate (Criminal side) appearing for the 1st respondent submitted that in this case, before the trial court most of the witnesses were examined and now the case is posted for the examination of the remaining witnesses.

3.The above said fact is not disputed by the learned counsel appearing for the petitioners as well as the learned counsel appearing for the 2nd respondent.



4.Under the above circumstances, this court is of the considered view that at this stage, the relief sought for by the petitioners cannot be granted.

5.In view of the above fact, this criminal original petition is disposed of with a direction to the trial court namely the Judicial Magistrate No.II, Sivagangai District, to take up the case in CC No.40 of 2017 on day today basis and dispose of the same purely on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The Judicial Magistrate No.II,
Sivagangai District.
- 2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.OP(MD)No.12552 of 2017

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MA (CO)

NR (16/12/2020) 2P : 4C