



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.09.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Cr1.OP.No.26585/2015 & MP.Nos.1&2/2015

1.Boopathy
2.Seetha
3.Maheswari
4.Thangammal

..Petitioners/Accused

Versus

1.The State rep.by
Inspector of Police
Kavundapadi Police Station
Erode District.

... 1st Respondent/complainant

2.Vani ... 2nd Respondent/Defacto Complainant

Prayer:- Criminal Original Petition filed u/s.482 of Cr.P.C., to call for the records relating to CC.No.13/2014 on the file of the learned Judicial Magistrate No.II, Gobichettipalayam and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.M.Guruprasad

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

For R2 : Mr.V.S.Kesavan

ORDER

- (1) Let me not deeply delve on the facts which the present petitioners allege. The present petition has been filed under Section 482 of Cr.P.C., seeking to quash the proceedings in CC.No.13/2014 pending on the file of the learned Judicial Magistrate No.2, Gobichettipalayam.
- (2) The petitioners are the accused. They are facing trial for the alleged offences u/s.448, 323, 506[ii] IPC. Pending the present petition, the 1st petitioner/A1/Boopathy has reportedly died. Naturally, charges to be framed against him, abates.
- (3) Taking into consideration the facts as stated, it would only be appropriate that the parties are advised to face



trial and the prosecution is given liberty to substantiate the charges and the petitioners 2 to 4 are given more than ample opportunity to disprove the said charges in the manner known to law.

- (4) I would leave it to the wisdom of the learned Judicial Magistrate, Gobichettipalayam, to decide the matter on the basis of the evidence adduced by the prosecution and on the explanations given on behalf of the accused. Keeping this petition pending here, would be of no avail and it would only be a continuous torture to all the parties.
- (5) Therefore, the Criminal Original Petition stands dismissed with a direction to the learned Judicial Magistrate No.2, Gobichettipalayam, on receipt of a copy of this order, to proceed further with the trial in CC.No.13/2014 in the manner known to law and pass a judgment on or before 28.02.2022. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Judicial Magistrate No.2
Gobichettipalayam.
- 2.Do The Chief Judicial Magistrate,
Erode.
- 3.The Inspector of Police
Kavundapadi Police Station
Erode District.
- 4.The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No. 48682

Cr1.OP.No.26585/2015

AD(CO)
GN(13/10/2021)