



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.9130 OF 2018

AND

CRL.MP.NOS.4706 & 4707 OF 2018

1. C.Semalaiappan
2. C.Nachimuthu
3. S.Thangamuthu
4. N.Govindaraj
5. A.P.Kumanan
6. R.Saminathan
7. M.Eswaran

... Petitioners/Accused 1 to 7

.Vs.

R.Senthilkumar

... Respondent/Complainant

Prayer:

This Criminal Original Petition filed under Section 482 Cr.P.C. To call for the records relating to the impugned C.C. No. 177 of 2017 on the file of the Judicial Magistrate Court, Palladam, quash the same.

For Petitioners : Mr.K.Govi Ganesan

For Respondent : Mr.I.Abrar MD Abdullah

ORDER

This petition has filed to quash the proceedings in C.C. No. 177 of 2017 on the file of the Judicial Magistrate Court, Palladam.

2. The grievance of the petitioners are that there was civil dispute between the parties, due to which, the petitioners herein have filed a suit O.S.No.61 of 2015 on the file of the learned District Munsif, Palladam, and the same is pending. The respondent had filed a private complaint against the petitioners herein under Section 200 Cr.P.C. before the Judicial Magistrate Court, Palladam and the learned Magistrate took cognizance of the same in CC.No.177 of 2017 for the alleged offences under



Section 34,120B, 423, 467 and 471 of IPC and the same is pending.

3. The learned counsel for the petitioners would submit that the respondent has filed a private complaint before the trial Court and till date, no order was passed on the same. This court may issue a direction to the trial Court to pass orders on merits and to comply with the provisions of Section 202 and 203 of Cr.P.C.

4. The learned counsel for the respondents has not raised any objection for the relief sought for by the petitioners.

5. Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the learned Judicial Magistrate, Palladam, to follow the procedure contemplated under Section 202 and 203 of Cr.P.C. before taking cognizance on the private complaint filed by the petitioners.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Judicial Magistrate Court,
Palladam.
2. Do Through The Chief Judicial Magistrate,
Tirupur.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.38206
+1cc to Mr.I.Abrar MD Abdullah, Advocate, S.R.No.37959

Crl.O.P.No.9130 of 2018
and Crl.MP.Nos.4706 & 4707 of 2018

JPL(CO)
CS/12/10/2021