



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.20382 of 2018

1.Kamsala
2.Shankar
3.Lakshmi
4.Raja@Mohan

.. Petitioners

Vs.

N.Geetha

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.T.C.No.78 of 2018 on the file of the Judicial Magistrate II, Tiruvallur and quash the same.

For Petitioner : Mr.A.Ilaya Perumal

For Respondent : Mr.S.P.Srinivasan

O R D E R

The petitioners have filed this petition seeking to call for the records in S.T.C.No.78 of 2018, on the file of the Judicial Magistrate II, Tiruvallur and quash the same.

2. The case of the petitioners is that there was a pathway dispute between the petitioners and the defacto complainant and there was a vengeance on the petitioners 1 and 2, who stopped the construction work of the respondent. Due to which, the respondent and her husband made a quarrel with the 1st petitioner and attacked the 1st petitioner and thereby she sustained injuries. Hence, the 2nd petitioner has made a complaint against the respondent before the Thiruninravur Police Station and the same was registered in Cr.No.75 of 2018, for the offences under Sections 294-B, 324 and 506(ii). Afterwards, the respondent released on bail and preferred a complaint against the petitioners before the Judicial Magistrate II, Thiruvallur. The Trial Court had taken cognizance of the same, issued summons to the petitioners for the alleged offence under Sections 294-B



and 323 IPC. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioners submitted that the FIR in Cr.No.75 of 2018 filed by the 1st petitioner herein, has been culminated into filing of a charge sheet in C.C.No.11 of 2019, before the Judicial Magistrate II, Thiruvallur. Hence, this Court may issue direction to the Trial Court to conduct simultaneous trial in S.T.C.No.78 of 2018, on the file of the Judicial Magistrate II, Tiruvallur, along with, C.C.No.11 of 2019, which is pending on the same file.

4. The learned counsel appearing for the respondent has no serious objection for grant of limited relief sought for by the petitioners.

5. This Court has carefully considered the arguments advanced on both sides and also perused the materials placed before it.

6. In view of the limited relief sought for by the learned counsel for the petitioners, this Court directs the learned Judicial Magistrate II, Tiruvallur, to conduct simultaneous trial in S.T.C.No.78 of 2018, along with, C.C.No.11 of 2019, pending on the file of the Judicial Magistrate II, Tiruvallur and conclude the same as expeditiously as possible. The petitioners and respondent are directed to co-operate with the trial court for the early completion of trial. Further, taking into consideration the request as made by the learned counsel for the petitioners, their appearance before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

7. This Criminal Original Petition is disposed of with the above observations. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate II,
Tiruvallur.
2. Do Through,
The Chief Judicial Magistrate,
Thiruvallur.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.P.Srinivasan, Advocate, S.R.No.50027

+1cc to M/s.Ilayaperumal, Advocate, S.R.No.50293

Crl.O.P.No.20382 of 2018

VSN-II (CO)
SU(17/11/2021)