

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.2783 OF 2021

AND

CRL.M.P.NOS.1548 & 1550 OF 2021

R.Suresh Kumar ... Petitioner/Accused -1

Vs.

1. State
Rep. by the Inspector of Police,
Molasi Police Station,
Namakkal District.
(Crime No.152 of 2016) ... 1st Respondent/Complainant

2. Suganya ... 2nd Respondent/Defacto
Complainant

Prayer:-

Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records pertaining to P.R.C.No.26 of 2020 pending on the file of the Judicial Magistrate Court at Komarapalayam and quash the same.

For Petitioner : Mr.B.Siddeswaran

For Respondents : Mr.C.Raghavan,
Government Advocate (Crl.side)
for R1.

O R D E R

This Criminal Original Petition has been filed challenging the proceedings in P.R.C.No.26 of 2020, on the file of the learned Judicial Magistrate, Komarapalayam.

2. It is seen from records that the petitioner had already challenged the proceedings before this Court in Crl.O.P.No.4625 of 2020 and the same was dismissed as withdrawn. Once again, the same proceedings have been challenged in the present petition. Even though a second quash petition is maintainable,

the same cannot be entertained in a mechanical fashion and it all depends upon the facts and circumstances of each case.

3.The proceedings are still at the stage of committal before the learned Judicial Magistrate, Komarapalayam. The learned Judicial Magistrate is directed to immediately commit the case before the concerned Court within a period of two months from the date of receipt of copy of this order.

4.The petitioner shall await the committal proceedings. If according to the petitioner there are no materials to sustain the charge, the same can be raised before the concerned Court at the time of framing of charges. A petition cannot again be entertained by this Court till that stage is crossed by the petitioner.

5.This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Komarapalayam.
2. The Inspector of Police,
Molasi Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Siddeswaran, Advocate, S.R.No.8669

Cr1.O.P.No.2783 of 2021

SSN(CO)
CS/12/03/2021