



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.8087 of 2017
and
Crl. M.P.No.5821 and 5822 of 2017

1. Rajamanikam
S/o.Subhaiah
2. Krishnaveni
W/o.Rajamanikam

...Petitioners / Accused 2 & 3

Versus

1. State represented by
The Inspector of Police,
B-10, Selvapuram Police Station
Coimbatore
2. Mrs.K.Ponmani
18/44, Nadhukarai Road
Kasthuri Nagar, Sundarapuram Post
Coimbatore

....Respondent/Complainant

(2nd respondent is impleaded as per the order dated
06.07.2017 made in Crl.M.P.No.8365 of 2017
in Crl.O.P.No.8087 of 2017)

PRAYER : Criminal Original Petition filed under Section 482 of
Cr.P.C. to call for the records and quash the proceedings
pending on the file of X Metropolitan Magistrate, Egmore in
C.C.No.378 of 2011.

For Petitioners...Mr.T.K.S.Gandhi
For Respondent ...Mr.S.Vinoth Kumar
Government Advocate (Crl.side)
No Appearance for R2



O R D E R

WEB COPY This Criminal Original Petition has been filed to quash the proceedings in C.C.No.378 of 2011 pending on the file of X Metropolitan Magistrate, Egmore.

2. Heard the learned counsel for petitioners and the learned Government Advocate (Crl.side) appearing on behalf of the first respondent.

3. The learned Government Advocate (Crl.side) submitted that trial has already commenced and out of ten witnesses, four witnesses have already been examined before the trial Court.

4. This Court is of the view that as the trial has already commenced trial and substantial part of the witnesses have already been examined, it is within the domain of the trial Court to appreciate the evidence tendered before it and come to a conclusion whether the charges have been proved or not and this Court cannot conduct a rowing enquiry by evaluating the evidence.

5. Therefore, this Court is not inclined to exercise the jurisdiction under Section 482 Cr.P.C and accordingly, this Criminal Original Petition is dismissed. However, the personal appearance of the petitioners before the trial Court is dispensed with except for receiving papers and answering the questions etc., and whenever the trial Court directs them to appear before it, the petitioners should appear before the trial Court. Consequently, connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

gpa



1. The X Metropolitan Magistrate
Egmore

2. The Inspector of Police,
B-10, Selvapuram Police Station
Coimbatore

3. The Public Prosecutor
Madras High Court
Chennai

+1 CC to Mr.T.K.S.Gandhi, Advocate sr 62534.

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BP(CO)
SP(15/12/2021)