



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.7695 OF 2017

AND

CRL.M.P.NOS.5557 & 5558 OF 2017

1. S.Kasirajan

2. M.Ramasubramanian

...Petitioners/Accused A1 & A2

Vs

P.Thamaraichelvan

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.M.P.No.3742 of 2015 on the file of the learned Judicial Magistrate No.2, Tiruvannamalai and consequently quash the same as illegal, improper and not maintainable in the eye of law.

For Petitioners : Mr.S.B.Viswanathan

O R D E R

This Criminal Original Petition has been filed to quash the records in C.M.P.No.3742 of 2015 on the file of the learned Judicial Magistrate No.2, Tiruvannamalai against the petitioners punishable for the offence under Section 200 r/w Section 156(3) of Cr.P.C.

2. It is stated by the learned Counsel for the petitioner that a private complaint has been filed by the respondent and thereafter memo also filed before the Court of law. He has also drawn attention of this Court with a copy of the order passed by the then District Judge, Tiruvannamalai wherein the learned judge clearly recorded the presence of the defendant and his endorsement in the complaint. In pursuant to the above endorsement, suit was decreed. Now, the same was challenged by the respondent. It is also stated that the respondent was died.



3. In such view of the matter, this Court is of the view that the private complaint cannot be quashed. The trial Court has to take into consideration of the memo filed before the District Court in O.S.No.40 of 2010 and orders of the District Judge, dated 08.11.2010 and pass appropriate orders after recording the death of the Respondent.

4. With the above observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ggs / kbs

To

The Judicial Magistrate No.2,
Tiruvannamalai.

+2ccs to Mr.S.B.Viswanathan, Advocate, S.R.No.65114

Cr1.O.P.No.7695 of 2017 and
Cr1.M.P.Nos.5557 & 5558 of 2017

SVI (CO)
RLP (23/12/2021)