



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl. O.P. No.25757 of 2017

and

Crl.M.P.Nos.14837

and

14838 of 2017

Palalnisamy . . . Petitioner / Accused

Versus

Ponmozhi . . . Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.7 of 2014, on the file of Judicial Magistrate-V, Salem and quash the same.

For Petitioner : Mr.S.N.Arun Kumar

For Respondent : Mr.R.Sankarasubbu

ORDER

This criminal original petition is filed to quash the proceedings initiated under a private complaint in C.C.No.7 of 2014 for an offence under Section 500 IPC, on the file of the learned Judicial Magistrate-V, Salem.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner after arguing for a while, sought permission of this court to withdraw this petition, with liberty to raise all his defence before the trial court. It is also stated by the learned counsel appearing for the petitioner that on the basis of the private complaint filed by the petitioner as against the respondent herein, the matter has been investigated and the court has taken cognizance of the same for the offence under Sections 406, 409, 420 r/w 120(b) of IPC in C.C.No.164 of 2014 and pending on the file of the learned Judicial Magistrate-V, Salem.



3. As the allegation in the present petition is also relate to the lodging of the complaint and circulation of a publication in the newspaper, this Court is of the view that both the matters should be tried by the same Magistrate, of course in a simultaneous trial and dispose of the same.

4. Accordingly, this petition is dismissed as withdrawn, with liberty to raise all his defence before the trial Court. At this stage, he also seeks the indulgence of this court, to dispense with the personal appearance of the petitioner/accused before the trial Court. Accordingly, the personal appearance of the petitioner/accused before the trial court, is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court. Consequently, the connected criminal miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

psa/asr

To

The Judicial Magistrate-V,
Salem.

+lcc to Mr.C.Ram Kumar, Advocate, S.R.No.69440

CrI. O.P. No.25757 of 2017

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NSK 06/01/2022