



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATISH KUMAR

CRL.O.P.NO.19522 OF 2017

&

CRL.M.P.NOS.11790 & 11791 OF 2017

M.Lakshmanan
S/o.Murugan

... Petitioner/2nd Accused

Vs.

1. The State

Represented by the Sub-Inspector of Police,
Veppur Police Station,
Cuddalore Police Station,
Cuddalore District.
(Crime No.470 of 2011)

2. R.Rengasamy

... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C to call for records and quash the proceedings in C.C.No.75 of 2017 in Crime No.470 of 2011 pending on the file of learned Judicial Magistrate I, Viruthachalam.

For Petitioner	:	Mr.Santhosh Kumar
For Respondents	:	Mr.S.Vinoth Kumar
		Government Advocate (Crl. Side)
		for R1
	:	No appearance for R2

ORDER

This petition has been filed to quash the proceedings in C.C.No.75 of 2017 pending on the file of learned Judicial Magistrate I, Viruthachalam for the offences under 294(b), 323, 324 and 506(ii) IPC.

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



WEB COPY

3. It is the contention of the learned counsel appearing for the petitioner that there is a counter case pending, which was not properly investigated and there are lot of contradictions in the prosecution case and therefore, the entire prosecution has to be quashed.

4. Per contra, the learned Government Advocate (Crl.side) appearing for the first respondent submitted that the counter case has also been investigated and final report has been filed.

5. Taking note of the fact that investigation in the counter case has also been completed and charge sheet has also been filed, this Court is of the view that conduct of simultaneous trial in both the cases would meet ends of the justice.

6. Accordingly, the present Criminal Original Petition is dismissed and the trial Court is directed to conduct the trial in both the cases simultaneously and dispose of the matter on its own merits. However, the personal appearance of the petitioner before the trial Court is dispensed with except for receiving papers and answering the questions etc., and whenever the trial Court directs the petitioner to appear before it, the petitioner should appear before the trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gpa/gba

To

1. The Judicial Magistrate I,
Viruthachalam.
2. The Sub-Inspector of Police,
Veppur Police Station,
Cuddalore Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.AL.Ganthimathi, Counsel for the Petitioner,
S.R.No.63670

Crl.O.P.No.19522 of 2017 &
Crl.M.P.Nos.11790 & 1191 of 2017

KJ(CO)

RLP(20/12/2021)