



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.8839 of 2019

and

Crl.M.P.(MD)Nos.5593 and 5594 of 2019

1.A.Murugesan

2.V.Narayanasamy

... Petitioners/Accused 1& 2

Vs.

1.State Rep. by

The Inspector of Police,

District Crime Branch,

Ramanathapuram District.

... Respondent/De jure Complainant

2.R.Balamurugan

...Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the case in C.C.No.143 of 2017 pending on the file of the learned Judicial Magistrate Court No.II, Ramanathapuram and quash the same as illegally.

For Petitioners : Mr.S.Malaikani

For R1

: Mr.R.Sivakumar

Government Advocate (Crl. side)

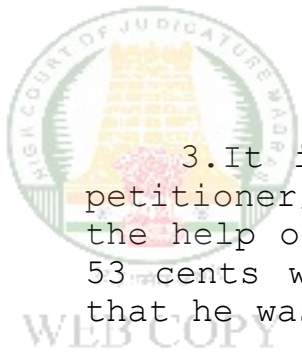
For R2

: Mr.C.Ajaykose

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.143 of 2017 pending on the file of the learned Judicial Magistrate Court No.II, Ramanathapuram.

2.It is evident from the records that on the basis of the complaint lodged by the second respondent, First Information Report came to be registered in Crime No.20 of 2016 for the alleged offence under Sections 465, 468 and 471 of IPC and after investigation, charge sheet has been laid for the very same offences and the case is pending in C.C.No.143 of 2017 on the file of the learned Judicial Magistrate Court No.II, Ramanathapuram.



3.It is the specific case of the prosecution that the first petitioner/A1, who was the President of Mudhaloor village, with the help of the second petitioner herein, had obtained a patta for 53 cents with respect to S.Nos.224/3 and 228/2, despite the fact that he was owning 10 cents of land.

4.When the matter is taken up today, the learned Government Advocate (Crl. side) for the first respondent and the learned counsel for the second respondent would submit that P.W.1 had already been examined and the case is posted for examination of listed witness No.2 and that P.W.1 is not yet cross-examined sofar.

5.The learned counsel for the petitioners would submit that it would be suffice if a direction is issued to the trial Court to dispose of the matter within the time to be fixed by this Court.

6.The learned counsel for the second respondent as well as the learned Government Advocate (Crl. side) are not having objection to direct the trial Court to proceed with the trial and to dispose of C.C.No.143 of 2017 within the time to be fixed by this Court.

7.Considering the submissions made by the learned counsel on either side and also considering the limited relief now sought for by the petitioners and without expressing any opinion with regard to the merits of the case, the learned Judicial Magistrate No.II, Ramanathapuram, is directed to complete the trial in C.C.No.143 of 2017 and dispose of case, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

8.With the above direction, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Sji

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Judicial Magistrate Court No.II, Ramanathapuram.

2.Do through The Chief Judicial Magistrate, Ramanathapuram.

3.The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Registrar Judicial ,
Madurai Bench of Madras High Court, Madurai.

**CrI.O.P. (MD)No.8839 of 2019
and
CrI.M.P. (MD)Nos.5593 and 5594 of 2019
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RK(28/12/2021) 3P 6C