



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.8006 of 2021

and

Cr1 MP(MD)Nos.4117 & 4118 of 2021

WEB COPY

- 1.Sonai
- 2.Sethuraman
- 3.Azhagumani
- 4.Suresh
- 5.Neivanathan
- 6.Ramanathan
- 7.Malayalam
- 8.Malaichamy
- 9.Kannamani
- 10.Sasikala
- 11.Ponmudi
- 12.Jegatheesh

... Petitioners/Accused Nos 1 to 12

vs.

- 1.State, rep.by Inspector of Police,
Y.Othakadai Police Station,
Madurai District, Madurai.
(Crime No.375 of 2017)

- 2.Ganesan
- ...Respondents/ Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.Pc, to call for the records pertaining to the charge sheet in PRC No.13 of 2020 on the file of the Judicial Magistrate, Melur, Madurai District in Crime No.375 of 2017 dated 27.06.2017 on the file of the first respondent and quash the same as illegal as against the petitioner alone.



For Petitioner
For R1

: Mr.T.Lajapathi Roy
: Mr.T.Senthilkumar,
Additional Public Prosecutor

ORDER

This criminal original petition has been filed for quashing the proceedings in PRC No.13 of 2020 on the file of the Judicial Magistrate, Melur. The said case arises out of Crime No.375 of 2017 registered on the file of the Y.Othakadai Police Station for various offences. A counter case has also been registered in Crime No.376 of 2017. Final report has been filed in the said case also and it has also been taken on file in PRC No.14 of 2020 on the file of the very same court. PSO No.588A sets out the procedure to deal with the case of counter complaint arising out of the same transaction. In the case on hand, in both the cases final reports have been filed and accordingly they have also been taken on file. In such cases, the cases will be tried by the very same court. But the trials have to be conducted by two different Prosecutors. Judgments will be pronounced on the same day.

2.This criminal original petition is disposed of accordingly. The contentions of the petitioners are left open. Since the eighth petitioner Malaichamy is working as Headmaster in a school, his personal appearance before the court below is dispensed with. The trial court shall not insist on his personal appearance unless it is necessary or imperative. Of course, he has to appear on three occasions, namely, to answer the charges, examination under Section 313 of Cr.Pc and on the day of pronouncement of judgment. On all other occasions, he shall be represented by his counsel. If his counsel fails to appear, the benefit of this order will stand automatically vacated. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

To

1.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District, Madurai.

2. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

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



+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-34230[F] dated
12/11/2021)

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Cr1 OP(MD)No.8006 of 2021

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VR (CO)

KB(25.11.2021) 3P 4C