



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.4331 OF 2022

AND

CRL.M.P.NOS.2184 AND 2185 OF 2022

Zarook Ali

S/o.Abdul Kabeer

... Petitioner

.Vs.

1. The Sub-Inspector of Police,
E-1, Police Station, Mylapore,
Chennai - 600 004.

2. Nazeefuddin Fakhri,
S/o.Late Haji S.M.Nizamuddin Fakhri

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.3659 of 2015 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

For Petitioner : Ms.A.Ajimath Begam

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, to call for the records in C.C.No.3659 of 2015 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

2. When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the co-accused in this case approached this Court in Crl.O.P.No.25080 of 2021 vide order dated 25.01.2022, seeking to quash the proceedings and



this Court finding that the trial had commenced and LW1, LW5 & LW6 have not been examined as PW1 to PW3, had dismissed the quash petition.

3. The learned Additional Public Prosecutor further submits that it is a case where the petitioner along with other accused has trespassed and demolished the compound wall belonging to the defacto complainant. He further submits that non-bailable warrant is pending against the petitioner.

4. At this juncture, the learned counsel for the petitioner would seek permission to withdraw the quash petition. However, he would seek for a direction to the learned Judicial Magistrate to recall the warrant, on appearance of the petitioner and filing a petition to recall the warrant.

5. In view of the above, this Criminal Original Petition stands dismissed. However, a direction is issued to the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai to consider and pass orders on the recall application on the same date of surrender. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The XVIII Metropolitan Magistrate Court,
Saidapet, Chennai.
2. The Sub-Inspector of Police,
E-1, Police Station, Mylapore,
Chennai - 600 004.
3. The Public Prosecutor,
High Court of Madras.

CRL.O.P.NO.4331 OF 2022 AND
CRL.M.P.NOS.2184 AND 2185 OF 2022

GMR(CO)
PBS/09/03/2022