



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.04.2022

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.No.6688 of 2019
and
Crl.M.P.Nos.3696 & 5210 of 2019

P.Manohar

... Petitioner/Accused

Vs.

T.K.G.Dhanasekar

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records and quash the proceedings in C.C.No.2176/2018 on the file of the IV Fast Track Court, George Town.

For Petitioner : No Appearance

For Respondent : Mr.R.Arun

for Mr.G.Abraham Prabhu

O R D E R

This Criminal Original Petition had been filed to quash the proceedings in C.C.No.2176/2018 on the file of the IV Fast Track Court, George Town, Chennai.

2. When the case came up for hearing, learned counsel for the Petitioner did not appear before this Court.

3. The learned counsel for the Respondent submitted that he had filed a Petition to vacate stay, that was already granted by this Court. Due to interim stay granted by this Court, the Respondent/defacto complainant before the learned Judicial Magistrate, Fast Track Court - IV, George Town, Chennai is unable to proceed with the trial.

4. On perusal of the records, it is found that this Petition had filed to quash the Criminal Complaint in C.C.No.2176 of 2018 on the file of the learned Metropolitan Magistrate, Fast Track Court- IV, Chennai. The averments raised in the Petition are to be considered as valuable defence only during trial and not at this stage while considering the Petition to quash under



Section 482 of Cr.P.C. At the time of admission of this case, interim stay was granted by this Court, therefore, the Accused before the learned trial Judge who had approached this Court as Petitioner had by utilizing the interim stay, had successfully delayed the trial. The interim stay granted by this Court as weapon in the hands of the Petitioner.

5. Due to the interim stay granted by this Court, the learned Metropolitan Magistrate, Fast Track Court-IV is unable to proceed with the trial.

6. The conduct of the Petitioner is found to be an abuse of process of Court which is contrary to the discretion granted to this Court under Section 482 of Cr.P.C., Instead of protecting the interest of the Accused, the Accused had misused the Provision of Section 482 of Cr.P.C., and delayed the trial which is considered as an abuse of process of Court.

In the light of the above discussion, this Criminal Original Petition is dismissed as not maintainable. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dh

To

The Metropolitan Magistrate,
Fast Track Court- IV, Chennai.

CRL.O.P.No.6688 of 2019

SSD(CO)
CT 12/05/2022