



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.9199 of 2019
and
Crl.M.P.No.4883 of 2019

S.Senthilmurugesan

... Petitioner

Vs.

B.Raman

... Respondent

PRAYER: Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the case in STC No.2377 of 2018 on the file of Learned Judicial Magistrate, Thiruvotriyur, and quash the same by allowing this quash petition.

For Petitioner : Ms. N.Vennila

For Respondent : Mr. R.Sathyakumar [for R1]

ORDER

This Petition had been filed to call for the records pertaining to the case in S.T.C. No.2377 of 2018 on the file of learned Judicial Magistrate, Thiruvotriyur, and quash the same by allowing this Petition.

2. When the case came up for hearing today, the learned Counsel for the Petitioner was not in a position to argue the case. The learned Counsel for the Respondent vehemently objected to quash the criminal complaint filed by the Respondent before the learned Judicial Magistrate, Thiruvotriyur.

3. Considering the fact that what are all being raised in the grounds of this Petition are to be treated as valuable defence available to the Petitioner at the time of trial. At the stage of admission of this case, interim stay was granted. Having the benefit of an interim stay, the Petitioner had successfully delayed the trial since 05.04.2019. The Petitioner had, instead of proceeding with the cross examination, approached this Court under Section 482 of Cr.P.C.



4. The vehement objection of the learned Counsel for the Respondent/Complainant is found justified in the light of the reported ruling of the Hon'ble Supreme Court in State of Haryana and others vs. Bhajan Lal and others [1992 SCC (Cri.) 426], what had been raised in the grounds of this Petitioner seeking to quash the criminal complaint in S.T.C.No.2377 of 2018, cannot at all be accepted invoking the powers under Section 482 of Cr.P.C.

5. In the light of the above, this Criminal Original Petition is dismissed with the direction to the learned Judicial Magistrate, Thiruvotriyur, to proceed with the trial and dispose of the same within a reasonable period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar(CS-VIII)

\\ True Copy \\

Sub-Assistant Registrar

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To

1.The Judicial Magistrate,
Thiruvotriyur.

2.The Public Prosecutor
High Court, Madras.

+2cc to Mr.Kasiramalingam, Advocate SR.No.29322
+1cc to Mr.J.Karunakaran, Advocate SR.No.29477

Cr1.O.P.No.9199 of 2019
and
Cr1.M.P.No.4883 of 2019

RSV(CO)
GN(26/05/2022)