



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NO.16423 OF 2019

AND

CRL.M.P.NO.8243 OF 2019

1. K.Eswaran

2. E.Umamaheshwari

3. S.Periyasamy

... Petitioners/Accused

Vs.

S.Natarajan

... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records relating to the criminal case in C.C. No.155 of 2019 on the file of learned Judicial Magistrate No.5, Salem and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.Arun Kumar D.R.

For Respondent : Mr.T.Karunakaran

ORDER

This Petition has been filed to quash the criminal case in C.C. No.155 of 2019 on the file of learned Judicial Magistrate No.5, Salem, by allowing this Criminal Original Petition.

2.When the case came up for hearing, the learned Counsel for the Petitioners sought an adjournment on the ground of not being ready due to some personal inconvenience. He further submitted that he needs to receive documents regarding the complaint from various authorities and only then, he can proceed with the arguments.



3.The learned Counsel for the Respondent/Complainant vehemently objects to the adjournment stating that the complaint was taken as a private complaint by the learned Judicial Magistrate after recording the sworn statement of the Respondent/Complainant and other witnesses. Only on the perusal of the materials available before the learned Judicial Magistrate, he had taken cognizance of the same and numbered the case as C.C. No.155 of 2019. At the time of admission of this case, an order of interim stay was granted, thereby, the learned Judicial Magistrate No.V, was prevented from proceeding with the trial. In the light of the above, the learned Counsel for the Respondent vehemently objects to grant adjournment.

4.On perusal of records, it is found that what are all being raised by the Petitioners in the grounds of this Petition are found to be valuable defence to be tried by the learned Judicial Magistrate and not by invoking the extraordinary powers of the High Court under Section 482 of Cr.P.C. Therefore, this Petition is dismissed. The learned Judicial Magistrate No.5, Salem, is directed to proceed with the trial and dispose of the case in C.C.No.155 of 2019 within a reasonable period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.V,
Salem.
2. -do- through The Chief Judicial Magistrate,
Salem.
3. The Public Prosecutor
High Court, Madras.

+1cc to M/s.T.Karunakaran, Advocate, S.R.No.29999

+1cc to M/s.D.R.Arun Kumar, Advocate, S.R.No.30313

Crl.O.P.No.16423 of 2019
and
Crl.M.P.No.8243 of 2019

VG-II(CO)

RLP(26/05/2022)