



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.[MD].No.364 of 2020

and

CRL.M.P.[MD]Nos.121 and 124 of 2020

V.P.Gopalakrishnan

... Petitioner / 4th Accused

Vs.

1.State, Represented by
The Inspector of Police,
District Crime Branch,
Crime No.08/2014, Karur District.

...1st Respondent / Complainant

2.R.K.Murugesan

... 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the case in C.C.No.262 of 2015 on the file of the learned Judicial Magistrate No.II, Karur and quash the same.

For Petitioner : Mr.K.Suresh

For R1 : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

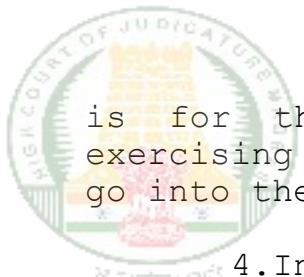
For R2 : Mr.K.Balasubramani

ORDER

This Criminal Original Petition is filed to quash the final report in C.C.No.262 of 2015 filed for the offences punishable under Sections 193, 420, 464, 465, 466, 468 and 471 r/w 34 IPC on the file of the learned Judicial Magistrate No.II, Karur.

2.The main allegation appears to be in the final report relates to the creation of the records and deal with the immovable properties. According to the petitioner, there is a title dispute between the defacto complainant and the first accused. Therefore, the prosecution is not maintainable.

3.It is also brought to the notice of this Court that the trial has been commenced and P.W.1 to P.W.3 already examined in the chief examination. As the evidences are already come on record, it



is for the trial Court to appreciate the evidences. While exercising the power under Section 482 of Cr.P.C., the Court cannot go into the evidence and assume the role of the trial Court.

4. In such view of the matter, this Criminal Original Petition stands dismissed. At this stage, the learned counsel appearing for the petitioner seeks indulgence of this Court to dispense with the personal appearance of the petitioner before the trial Court. Hence, the personal appearance of the petitioner before the trial Court is dispensed with, except for answering the charges, receiving copies, questioning under Section 313 of Cr.P.C., or any other date to be fixed by the trial Court. The trial Court shall also expedite the trial and dispose of the case. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

To

1. The Judicial Magistrate No.II,
Karur.
2. The Inspector of Police,
District Crime Branch,
Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RK(18/03/2022) 2P 4C