



Crl.O.P.(MD) No.12545 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.12545 of 2022 and
CRL.MP(MD).Nos. 7945 and 7946 of 2022

Rathnakumar

...Petitioners

Vs.

1.The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.
(Crime No.223 of 2015)

2.Kannimariyal

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.9 of 2022 on the file of the Judicial Magistrate No.II, Srivaikundam and quash the same against the petitioner.

For Petitioner : Mr. R. Ponkarthikeyan

For 1st respondent : Mr.E.Antony Sahaya Prabhkara
Additional Public Prosecutor



Crl.O.P.(MD) No.12545 of 2022

ORDER

WEB COPY

This Criminal Original Petition is filed to call for the records in C.C.No.9 of 2022 on the file of the Judicial Magistrate No.II, Srivaikundam and quash the same against the petitioner.

2. The learned counsel appearing the petitioner submitted that the petitioner is the 5th accused in the case in C.C.No.9 of 2022 on the file of the Judicial Magistrate No.II, Srivaikundam and that there is no specific allegations attributed against the petitioner herein. Hence, he wanted to quash the charge sheet filed against the petitioner.

3. The learned Additional Public Prosecutor appearing for the respondent police would submit that now the case is posted for prosecution witnesses before the trial Court.

4. Even though the petitioner denied the allegation stated in the case, the final report was filed and the same has been taken on file C.C.No.9 of 2022, the matter has to be decided by examination of witnesses. Before commencing the trial and let in evidence it is not desirable to quash the



Crl.O.P.(MD) No.12545 of 2022

proceedings on the disputed fact. Therefore, I find that there is no merit in this petition and hence, the same is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

5. The learned counsel appearing for the petitioner seeks early disposal of the said C.C.No.9 of 2022 and also dispense with the personal appearance of the petitioner before the trial Court.

6. Considering the said submission, the personal appearance of the petitioner before the trial Court is dispensed with the condition that he will appear before the trial Court whenever directed by the trial Court. Further, the trial Court is directed to dispose of the said C.C.No.9 of 2022 within a period of three months from the date of receipt of a copy of this order.

13.07.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
trp



Crl.O.P.(MD) No.12545 of 2022

To

- 1.The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.12545 of 2022

V.SIVAGNANAM, J.

trp

Crl.O.P.(MD) No.12545 of 2022 and
CRL.MP(MD).Nos. 7945 and 7946 of 2022

\

13.07.2022