



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19707 of 2021

and

Crl.M.P(MD)Nos.11058 & 11060 of 2021

WEB COPY

Pandi @ Pandiyan

... Petitioner/
Accused No.2

-Vs-

1.The State represented by
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.381 of 2017)

... 1st Respondent/
Complainant

2.Ramasamy

... 2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of the impugned C.C.No.211 of 2020 on the file of the learned Judicial Magistrate I, Virudhunagar insofar as the petitioner is concerned and quash the same as illegal.

For Petitioner : Mr.S.Bharathi
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side) for R.1

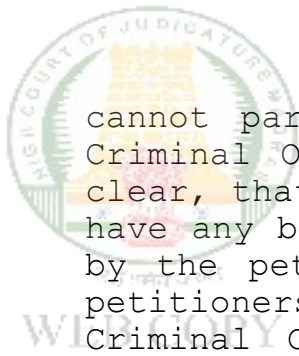
Mr.M.Jothi Basu for R.2

ORDER

Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the first respondent and the learned counsel appearing for the defacto complainant.

2. The second accused in C.C.No.211 of 2020 on the file of the learned Judicial Magistrate No.1, Virudhunagar, has filed this quash petition.

3. When the matter was taken up for hearing, the learned Counsel appearing for the defacto complainant pointed out that this petitioner along with two other accused filed discharge petition in Crl.M.P.No.3488 of 2021 and the same was dismissed on 20.09.2021. Questioning the same, they filed Cr.R.C.No. 5 of 2021 and the same is pending before the Additional Sessions Judge, Virudhunagar. When the revision case against discharge petition is pending, the accused



cannot parallelly maintain a quash petition. On this ground, this Criminal Original Petition is liable to be dismissed. I make it clear, that the disposal of this Criminal Original Petition will not have any bearing on the revision case filed by the petitioner filed by the petitioner seeking discharge. All the contentions of the petitioners are left open. With this observation and liberty, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate I,
Virudhunagar.
- 2.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.JOTHI BASU, Advocate (SR-3845[F] dated 03/02/2022)
Crl.O.P(MD)No.19707 of 2021
and
Crl.M.P(MD)Nos.11058 & 11060 of 2021
02.02.2022

MGJ(25.02.2022) 2P 5C