



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:20/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.19252 of 2019

and

Crl.MP(MD)Nos.11152 and 11308 of 2019

WEB COPY

1.Mr.N.Pichaimurthi

2.Mrs.S.Sivaraman : Petitioners/R2 and R4

Vs.

The Chief Engineer,
TWAD Board,
No.1/1, Sambakkulam,
Ganesh Nagar,
Madurai-625 007

: Respondent/Petitioner

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in Arb.O.P.No.3 of 2019 on the file of the Principal District Judge, Sivagangai and quash the bail able warrant issued against the petitioner, by order, dated 04/12/2019, in Arb.O.P. No.3 of 2019.

For Petitioners : Mr.G.Radhakrishnan

For Respondent : Mr.R.Satheesh
Standing Counsel

O R D E R

This petition has been filed seeking quashment of the bailable warrant issued against the petitioner, by order, dated 04/12/2019, in Arb.O.P. No.3 of 2019.

2.It appears that an order has been passed by the trial court by making the petitioners herein, who are the arbitrators to produce documents. On 04/12/2019, bailable warrant has been issued against the petitioners. After passing the award, they become **functus officio**. On that ground, this petition has been filed seeking quashment of the order.

3.No doubt that warrant cannot be issued against the arbitrator, the arbitrator may not be a party also. But this Bench has no jurisdiction to entertain the petition, even though warrant has been issued by the Principal District Judge, Sivagangai. The petitioners ought to have filed a petition under Articles 227 of the Constitution of India or by way of revision. Without filing such a petition, the petitioners have directly filed the petition under section 482 Cr.P.C.



4. When this was pointed out to the learned counsel appearing for the petitioners, he would submit that he has taken steps to file a fresh petition or seeking an order of converting this petition as a civil revision. But that step was not taken. Liberty is always available to the petitioners to file appropriate petition before the appropriate court for appropriate relief.

5. With the above said liberty, this criminal original petition is **disposed of**. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

// 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 :

The Principal District Judge,
Sivagangai.

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RD(07.06.2022) 2P 2C