



WEB COPY



Crl.O.P.No.28274 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.28274 of 2019

and

Crl.M.P. No.15088 & 15091 of 2019

Rajeshkumar

... Petitioner

Vs.

1.G.Suresh Kumar
2.Gopal Singh
3.Dilip Kumar
4.Dinesh Kumar
5.Babu

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records relating the case in STC No.291/2019 pending before the Judicial Magistrate No.V, Coimbatore and quash the same.

For Petitioner : Mr.Rani Shankar Rao

For Respondents : Not ready in notice.



WEB COPY



Crl.O.P.No.28274 of 2019

ORDER

The petitioner is to quash the private compliant filed for the offences under Section 294 (b), 341, 448, 457, 380, and 506(i) IPC.

2. The learned counsel for the petitioner submits that the complaint is false and civil in nature. A reading of the complaint according to the learned counsel for the petitioner discloses no offense has lodged by the respondents.

3. Though notice was served on the 1st respondent/complainant non has entered appearance on his behalf.

4. This Court on a reading of the final report finds that there are allegations against the petitioner which have to be only adjudicated in the trial. The petitioner is at liberty to raise all his contentions before the Trial Court. Hence, this Court is not inclined to quash the impugned complaint.



Crl.O.P.No.28274 of 2019

WEB COPY

5. However, the learned counsel for the petitioner would submit that the petitioner's presence may be dispensed with before the Trial Court. In view of the request made by the learned counsel for the petitioner, the petitioner's presence is dispensed with before the Trial Court unless the learned Judicial Magistrate deems his presence necessary for the progress of the trial.

6. In view of the above, the Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed.

09.03.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
shr

To

The Judicial Magistrate No.V, Coimbatore.



WEB COPY



Crl.O.P.No.28274 of 2019

SUNDER MOHAN. J,

shr

Crl.O.P.No.28274 of 2019
and
Crl.M.P. Nos.15088 & 15091 of 2019

09.03.2023