



WEB COPY



CrI.O.P.No.28952 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.28952 of 2022

and

CrI.M.P.No.17723 of 2022

1.Balu
2.Arivazhagan
3.Baburaja
4.Singaravelu

... Petitioners

Vs.

E.Praveen Babu

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Cr.M.P.No.2612 of 2022 on the file of Judicial Magistrate No.1, Mayiladuthurai and quash the same.

For Petitioners : Mr.J.Milton Arul Rajendran

For Respondent : Mr.M.A.Aruneshe
for M/s.M.T.Arunan

ORDER

This Criminal Original Petition has been filed to quash Cr.M.P.No.2612 of 2022 on the file of learned Judicial Magistrate No.1, Mayiladuthurai.



CrI.O.P.No.28952 of 2022

2.The learned counsel for the petitioners submitted that the respondent has filed a private complaint against the petitioners and the same is pending in Cr.M.P.No.2612 of 2022. Challenge against the private complaint is for the reason that the private complaint filed against the petitioners contains false allegations.

3.This Court, when the matter was taken up for hearing on 10.01.2023, wanted to know from the learned counsel appearing for the parties as to whether the case had been taken cognizance for the offences under Sections 294(b), 324, 325, 307, 506(ii), 503 IPC against the petitioners or only an enquiry under Section 200 Cr.P.C. is pending.

4.When the matter is taken up for hearing today, it is reported by both the learned counsel appearing for the parties, there is an enquiry pending under Section 202 Cr.P.C. in Cr.M.P.No.2612 of 2022.

5.When the enquiry under Section 202 Cr.P.C. is pending, this Court is of the view that it is not legal and appropriate for the petitioners to seek quashment of the proceedings in Cr.M.P.No.2612 of 2022. The learned



Crl.O.P.No.28952 of 2022

Judicial Magistrate after completing the enquiry in Cr.M.P.No.2612 of 2022

may take the case on file or even dismiss the private complaint under Section 204 Cr.P.C. Before that option is exercised by the learned Judicial Magistrate, approaching this Court is nothing, but an abuse of process of Court.

6. Therefore, this Criminal Original Petition is dismissed and the petitioners are directed to pay a costs of Rs.5,000/- (Rupees Five Thousand only) to the respondent. Consequently, the connected Criminal Miscellaneous Petition is closed.

24.01.2023

Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes / No

sp

To

The Judicial Magistrate No.1,
Mayiladuthurai.



WEB COPY



Crl.O.P.No.28952 of 2022

G.CHANDRASEKHARAN.J.,

sp

Crl.O.P.No.28952 of 2022

and

Crl.M.P.No.17723 of 2022

24.01.2023