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Crl.O.P.(MD)No.4738 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4738 of 2023

and

Crl.M.P.(MD)Nos.4175 and 4176 of 2023

Raja

... Petitioner/ Accused No.2

Vs.

1.The State represented by

The Sub Inspector of Police,

Karur Police Station,

Karur District.

... 1<sup>st</sup> Respondent / Complainant

2.Prabu

... 2<sup>nd</sup> Respondent/ Defacto complainant

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the charge sheet in C.C.No.180 of 2020, on the file of the Judicial Magistrate Court No.I, Karur, as against the petitioner and to quash the same as illegal.

For Petitioner : Mr.A.Nagendiran

For R1 : Mr.T.Senthil Kumar  
Additional Public Prosecutor

For R2 : Mr.V.Nagarajan



**ORDER**

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to quash the charge sheet in C.C.No. 180 of 2020, on the file of the Judicial Magistrate Court No.I, Karur, as against the petitioner.

2. Today, when the matter is taken up for hearing, the learned counsel for the second respondent would submit that so far three witnesses have been examined by the trial Court and also three witnesses have been cross examined. Now, when the trial is in partial stage, this Petition has been filed, stating that the offence is non cognizable in nature, over which the cognizance and investigation might not be made. When there is clubbing of the two offences, cognizable and non-cognizable, whether the police have right to take cognizance the petitioner can make the defence in the concerned Court at the appropriate time.

3. Next ground is that there is a delay in registering the complaint, this cannot be taken into account, by this stage.



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4. Some of the witnesses turned hostile. The petitioner can take advantage of this, at the time of final disposal. With regard to the motive also, it has been stated that only on the instigation of the Manager, this false complaint has been registered. Since already three witnesses have been examined and also cross examination was over, this Court finds no reason to entertain this Petition. There shall be a direction to the trial Court to complete the trial process within a period of three months from the date of receipt of copy of this Order.

5. With the above direction, this Petition is dismissed.  
Consequently, connected Miscellaneous Petitions are closed.

**21.06.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
Ls

To

1.The Judicial Magistrate Court No.I,  
Karur.

2.The Sub Inspector of Police,  
Karur Police Station,  
Karur District.



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*Crl.O.P.(MD)No.4738 of 2023*

**G.ILANGO VAN,J.**

Ls

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Order made in  
**Crl.O.P.(MD)No.4738 of 2023**

Dated: 21.06.2023