



WEB COPY



Crl.O.P.(MD)No.4496 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.4496 of 2023
and
Crl.M.P.(MD) Nos.3953 and 3954 of 2023

1.V.Pandi

2.Mahendran

... Petitioners/Accused Nos.2 & 3

Vs.

1.The Inspector of Police,
S.S.Colony Police Station,
Madurai,
(Crime No.390 of 2022)

...1st Respondent/Dejure
Complainant

2.Palanivel

... 2nd Respondent/ Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the Charge Sheet in C.C.No.831 of 2022, dated 21.03.2022 on the file of the learned Judicial Magistrate No.V, Madurai, and quash the same.

For Petitioners : Mr.G.Sakthivel

For R1 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.side)

For R2 : Mr.S.Poornachandran



ORDER

WEB COPY

This Criminal Original Petition is filed to call for the records relating to the Charge Sheet in C.C.No.831 of 2022, dated 21.03.2022 on the file of the learned Judicial Magistrate No.V, Madurai, and quash the same.

2. Without going into merits of the case, it is informed to the Court by the learned Government Advocate (Crl.Side) that so far P.W.1 to P.W.3 were examined. P.W.1 was cross examined by this petitioner. P.W.2 and P.W.3 were not cross examined so far. Without facing conclusion of trial, this petition came to be filed.

3. The learned counsel for the defacto complainant would submit that this is the second round of litigation for the very same relief in Crl.O.P(MD) No.1001 of 2023. The case in Crl.O.P(MD) No.1001 of 2023 filed by the petitioners was withdrawn.

4. According to the learned counsel for the petitioners, due to some mis-communication, the above said case was withdrawn.



5. Whatever it may be, this petition filed by the petitioners, seeking quashment of C.C.No.831 of 2022, without assigning any reason at this stage, is not proper.

6. Since the trial already commenced, considering the age of the petitioners, their personal appearance before the concerned trial Court is dispensed with on the following conditions;

(i)The petitioners shall appear before the learned Judicial Magistrate No.V, Madurai, within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit, by affixing their recent passport size photograph, to the effect that they will appear before the trial Court as and when required and must ensure their proper representation through Advocate.

7. Considering the submissions made by the learned Government Advocate (Crl.Side), there shall be direction to the learned Judicial Magistrate No.V, Madurai, to complete the above said trial process within a period of three months from the date of receipt of copy of this order.



Crl.O.P.(MD)No.4496 of 2023

8. With the above said directions, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed.

21.11.2023

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

Indu

To

1.The learned Judicial Magistrate No.V, Madurai.

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

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



WEB COPY



Crl.O.P.(MD)No.4496 of 2023

G.ILANGOVAN. J.

Indu

Crl.O.P.(MD) No.4496 of 2023

21.11.2023