



Crl.O.P(MD).No.9240 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.9240 of 2019

and

Crl.M.P.(MD)Nos.5891 and 5892 of 2019

1.R.G.Amutha

2.R.Ganesan

...Petitioners

Vs

Vimalan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the entire records pertaining to the case in Crl.R.P.No.4 of 2019 pending on the file of the Additional District Judge (Fast Track Court), Theni and quash the same as against the petitioners.

For Petitioners	: Mr.R.Anand
For Respondent	: Mr.A.Mohan

ORDER

This petition is filed to quash the charge sheet in Crl.R.P.No.4 of 2019 pending, on the file of the Additional District Judge (Fast Track Court), Theni.



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2.The petitioners' contention is that the respondent herein filed a private complaint as against the petitioners and the same was dismissed. As against the same, the petitioner filed a revision petition and the same is pending. The main contention of the petitioner is that without following the procedures contemplated under Section 195 and 340 of Cr.P.C., the application was filed and thereby, the learned Magistrate has dismissed the petition and now in the Sessions Court, the revision petition is pending as against the order passed by the learned Magistrate. That pending revision is now challenged through this petition.

3.Since the revision petition is pending before the Additional Sessions Court, Theni, without going into the merits of the case, this Court considering the nature of the petition, directed the petitioners to approach the Additional Sessions Court, Theni and put forth all grounds raised before this Court in the Additional Sessions Court, Theni including the maintainability of the petition as preliminary objections.

4.Further learned counsel appearing for the petitioners represented that this Court may order to dispense with the personal appearance of the petitioner. As far as the personal appearance is concerned, normally, in revision petition, the parties appearance is not required and the Court can hear



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the counsels. If any special reasons, the Court can insist the petitioners to appear before the revision Court. Therefore, the trial Court has to decide as to whether at this stage, the petitioners appearance is necessary or not ? The Additional Sessions Court, Theni shall hear the counsel for both sides and dispose of the case in accordance with law by affording opportunities on both sides.

5.With the above said observation, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

31.08.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn

To

- 1.The Additional District Judge (Fast Track Court), Theni.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

Mrn

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