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Crl.O.P.(MD)No.11440 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.11440 of 2023

1.Siva Kumar

2.Rajalakshmi

... Petitioners/Accused Nos.1 & 2

Vs.

1.State rep. by

Sub-Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.

In Crime No.163 of 2022

...Respondent No.1/Complainant

2.Murugesan

... Respondent No.2/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in the case in C.C.No.818/2022 on the file of Judicial Magistrate Court No.II, Virudhunagar and quash the same as illegal violation of law as against the Petitioners / Accused nos 1 and 2.

For Petitioners : Mr.M.Jothi Basu

For Respondents : Mr.B.Nambiselvan for R1
Additional Public Prosecutor



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ORDER

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This criminal original petition has been filed to call for the records in the case in C.C.No.818/2022 on the file of Judicial Magistrate Court No.II, Virudhunagar and quash the same as illegal violation of law as against the Petitioners / Accused nos 1 and 2.

2.The learned counsel for the petitioner would submit that it is a case in counter case. So far this case is concerned, it is pending before the trial Court for examination of witnesses and so far counter case in C.C.No.817 of 2022 is concerned, it was posted on 28.07.2023 for appearance of parties. Since both the cases are arising out of continuous occurrence, he wants quashment of the present case.

3.Since both the cases are arising out of continuous occurrence, simultaneous trial have to be conducted by the trial Court. Therefore, even though the petitioner prays for quashment of the above said case, there shall be a direction to the trial Court to conduct simultaneous trial in both the cases and dispose of both the cases on the very same day.

4.With the above said directions, this criminal original petition stands disposed of. However, at request of the counsel for the petitioner,



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the personal appearance of the second petitioner alone before the trial

Court is dispensed with on the following condition:

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

26.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
TM

To

- 1.The Judicial Magistrate No.II, Virudhunagar.
- 2.The Sub-Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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