



CRL MP(MD). No.12268 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Jurisdiction

Friday, the First day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Dr.Justice D. NAGARJUN

CRL MP(MD). No.12268 of 2023
in
Crl.O.P(MD).No.4203 of 2023

Murugaiyan ... Petitioner/ Accused No.3

Vs

1. The Inspector of Police,
District Crime Branch,
Karur,
Karur District.
(Crime No.21/2022) ... Respondent/Complainant

2. K.Manikandaraja ... Respondent/Defacto Complainant

Prayer in Crl MP(MD).No.12268 of 2023;-

This Criminal Miscellaneous Petition is filed under Section 482 of Criminal Procedure Code, to restore the Criminal Original Petition in Crl.OP(MD)No.4203 of 2023 on the file of this Honble Court to file which was dismissed for non prosecution on by setting aside the order dated 20.06.2023 and reheard on merits.

<https://www.mhc.tn.gov.in/judis>



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Prayer in Crl OP(MD).No.2170 of 2023;-

This Petition is filed Under Section 482 of Criminal Procedure Code, to call for the records with respect of Crime No. 21 of 2022 pending on the file of 1st Respondent and quash the same in petitioner concerned.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.V.Muthukamatchi, Advocate for the Petitioner and of Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor for the respondent No.1 and Mr. D.Kirubakaran, Advocate for the respondent No.2, this Court made the following order:

This petition is filed seeking for restoring Crl.O.P.(MD).No.4203 of 2023 which was dismissed for non-prosecution on 20.06.2023.

2. It is submitted by learned counsel for the petitioner that the petitioner has filed Crl.O.P.(MD).No.4203 of 2023 seeking quashment of FIR in Crime No.21 of 2022 dated 12.08.2022 registered for the offences under Sections 120 (b), 465, 471, 406 and 420 of I.P.C.



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3. When the matter was posted for hearing, learned counsel requested the Court to grant time to engage the services of Senior Counsel but the said request was declined and the petition was dismissed.

4. On going through the orders passed, it is clear that this Court has not recorded that the petitioner has requested the Court to adjourn the matter on the ground that the petitioner intended to engage the service of the learned Senior Counsel. It is only mentioned that the matter has been specifically posted for that date and even on that date, the petitioner was not ready to argue the case and sought time for adjournment.

5. Mr.D.Kirubakaran, Advocate, appearing for the *defacto* complainant submits that there are no grounds for restoration of the petition.

6. Heard the learned counsel on either side.

7. Considering the submissions, since the petitioner has sought for quashment of FIR, since the petition was dismissed not on merits, but, on account of failure of



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counsel to submit his arguments, this Court is of the opinion that one opportunity can be given, by allowing the same on costs.

8. In view of the above, this petition is allowed on condition of payment of costs of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Account Number (A/c.No.7567821433, Indian Bank, High Court Branch Madurai (2001), IFSC Code:IDIB000H040) opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, for donating law books in the name of "Madurai Bench of Madras High Court" in Kalaingar Centenary Library, Madurai and on compliance of that, the matter is being restored and listed for hearing.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)

TSG

TO

1. The Inspector of Police,
District Crime Branch,
Karur,
Karur District.

<https://www.mhc.tn.gov.in/judis>



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2. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

3. The Officer In charge,
Kalaingar Centenary Library,
Madurai.

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

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 01/09/2023

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ORDER

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in

CrI.O.P(MD).No.4203 of 2023

Giving direction and etc.
as stated within.

RD(15/09/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.