



WEB COPY

*Crl.O.P.(MD)No.15194 of 2023*



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

**Crl.O.P.(MD) No.15194 of 2023**

**and**

**Crl.M.P(MD)Nos.12043 and 12044 of 2023**

1.Muthu

2.Kannan

... Petitioners/

Accused Nos.5 & 6

Vs.

1.The State represented by  
The Inspector of Police,  
CCB,  
Madurai City.  
(Crime No.5 of 2011)

... 1st Respondent/  
Complainant

2.A.Sivsankaran

... 2nd Respondent/  
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to C.C.No.123 of 2012 on the file of the Judicial Magistrate No.I, Madurai, and quash the same.

For Petitioners : Mr.D.S.Haroon Rasheed

For R1 : Mr.E.Antony Sahaya Prabahar  
Additional Public Prosecutor



## **ORDER**

WEB COPY

This petition is filed seeking quashment of Charge Sheet in C.C.No.123 of 2012 pending on the file of the learned Judicial Magistrate No.1, Madurai.

2. It is submitted by the learned counsel for the petitioners that on the strength of the complaint given by the defacto complainant to the respondent No.1 Police, they have registered a case against the petitioners and other accused in Crime No.5 of 2011 for the offence under Sections 420, 465, 467, 468, 120(b), r/w.34 IPC. So far the petitioners are concerned, the allegations levelled by the prosecution is when the accused No.1 has executed a document by way of forgery in favour of accused No.2, the petitioners stood as witnesses.

3. It is the case of the prosecution that the petitioners also in colluding with accused Nos.1 and 2 have created the forged documents. The allegations levelled against the petitioners and other accused are very severe in nature. Unless took place enquiry as to truth or otherwise in respect of allegations, the issue raised by the petitioners cannot be decided summarily.



4. One of the grounds according to the petitioners for filing this petition is for more than 12 years, he has been attending the Court and the case has not been disputed. This Court can understand the sufferance the petitioner have gone through for the last 12 years.

5. However, as reported by the learned Additional Public Prosecutor, the trial in this case could not be proceeded with on account of pending of Non Bailable Warrant against some of the accused. Out of the seven accused, accused Nos.1, 4, 7 stated to be died. So far the other accused are concerned, though there were Non Bailable Warrant issued earlier, now warrant have been recalled. All the remaining accused Nos.2, 3, 5, 6 are regularly attending the Court. This matter is stated to be posted before the concerned trial Court for the purpose of production of death certificate of accused No.4, who recently died.

6. Considering the circumstances, this petitioner is of the opinion that since the ground raised by the petitioners cannot be considered in this petition under Section 482 Cr.P.C, a direction to the trial Court to expedite and dispose of the case in C.C.No.123 of 2012 by fixing specific time would be sufficient.



WEB COPY

7. In view of the above, this Criminal Original Petition is disposed of, directing the concerned trial Court to expedite the process of framing of charges immediately and issue trial schedule by posting this case on alternative days and complete the trial not later than four (4) months from the date of this order. Further, the respondent Police are directed to produce the death certificate on the next date of hearing before the concerned trial Court. After framing of charges, presence of the petitioners before the concerned trial Court is dispensed with. However, the learned Judicial Magistrate No.1, Madurai, is at liberty to direct the petitioners to be present at any time to answer the charges and examination under Section 313 Cr.P.C., or for any other purpose and for smooth progression of the case. Consequently, connected Miscellaneous Petitions are closed.

**30.08.2023**

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

Indu



*Crl.O.P.(MD)No.15194 of 2023*

To

WEB COPY

- 1.The Inspector of Police,  
CCB,  
Madurai City.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*CrI.O.P.(MD)No.15194 of 2023*

**DR.D.NAGARJUN. J.**

Indu

**CrI.O.P.(MD)No.15194 of 2023**

**30.08.2023**