



CRL O.P. No.29852 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2024

CORAM

The Hon`ble Mr. Justice P.DHANABAL

Crl. O.P. No.29852 of 2022

and Crl. M.P. No.18307 of 2022

R. Ravichandran

S/o. Late Ramalingam Petitioner / Accused No.1

vs.

Gunasekar S/o. Kuppusamy ... Respondent / Complainant.

PRAYER: The Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, praying to call for the records and quash the proceedings in C.C. No.58 of 2022 on the file of the Judicial Magistrate No.II, Tindivanam.

For Petitioner : Mr. M.L. Ganesh
For Respondent : Mr. A.R. Nixon.

ORDER

This petition has been filed to quash the proceedings in C.C. No.58 of 2022 on the file of the learned Judicial Magistrate No.II, Tindivanam.



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2. According to the petitioner, the respondent had filed a complaint and based on the complaint, cognizance was taken by the trial Court and the defacto complainant suppressed the material facts and already he filed a private complaint and the same was closed and thereafter, suppressing the fact, he filed a fresh complaint. Therefore, the pending proceedings before the Judicial Magistrate Court No.II, Tindivanam is abuse of process of law.

3. The learned counsel appearing for the petitioner would contend that the petitioner has not committed any offence and he has been falsely implicated in this case. Already enquiry was conducted on the private complaint and the same was closed. By suppressing the material facts, the present complaint has been filed. The learned Magistrate also without considering the same, has taken cognizance and the same is liable to be quashed.

4. The learned counsel appearing for the respondent would



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contend that already two witnesses were examined and the case is now posted for examination of further witnesses and already the Trial Court has taken cognizance based on the available materials and documents and there are prima facie materials available to proceed with the case, thereby, the trial Court has taken cognizance. At this stage, the petitioner has to face the trial and hence the petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. The main ground raised by the petitioner is that already a complaint was lodged by the defacto complainant and the same was closed and by suppressing the earlier closure of complaint, the present private complaint is filed. The petitioner has produced some documents before this Court stating that already the complaint filed by the respondent was closed by the police. However, those documents are to be tested before the concerned Court during the trial. The grounds raised by the petitioner are all to be decided before the Trial Court and there are no any grounds to quash the proceedings. The petitioner is at liberty to



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produce the documents before trial Court to establish his defence. Since already witnesses were examined and the case is posted for examination of further witnesses and without any valid grounds to quash the proceedings, it is not appropriate to allow this petition and hence this petition is liable to be dismissed.

7. Accordingly, the Criminal Original Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

18.10.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

1. The Judicial Magistrate No.II, Tindivanam.
2. The Public Prvosecutor, High Court, Madras.



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P.DHANABAL,J

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