



Crl.O.P.(MD)No.2629 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.2629 of 2024 and
Crl.MP(MD) Nos.2038 and 2039 of 2024

1.S.Veeraputhiran
2.Subramanian
3.Sundaran
4.Sundari

... Petitioners

Vs

1.The State
Rep by the Inspector of Police,
Eral Police Station,
Eral,
Thoothukudi District.

2.Gayathri

...Respondents.

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in CC No.776 of 2022 on the file of the learned Judicial Magistrate, Srivaikundam, Thoothukudi District and quash the same.

For Petitioners
For R1

: Mr.G.Gomathisankar
: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



Crl.O.P.(MD)No.2629 of 2024

WEB COPY

ORDER

The petitioners have approached this Court to quash the proceedings in CC No.776 of 2022 on the file of the learned Judicial Magistrate, Srivaikundam, Thoothukudi District.

2.The case of the prosecution is that the petitioners are said to have damaged a Pillar belongs to the defacto complainant and caused damage to the tune of Rs.30,000/-.

3.The learned counsel for the petitioners submits that due to civil dispute between the petitioners and the defacto complainant, a criminal case has been registered. The learned counsel has insisted for dispensing with the personal appearance of the petitioners 1 & 4 before the trial Court on the ground of age and health issues.

4.Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the first respondent and submits that the trial in CC No.776 of 2022 has already been commenced and the case



Crl.O.P.(MD)No.2629 of 2024

WEB COPY

is posted to 09.07.2024 for examination of LW 4 and LW 5. He further submits that the grounds raised by the petitioners is a matter for trial.

5.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

6.Though the petitioners have raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore, this Court is not inclined to entertain this petition and accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioners to raise all these grounds before the trial Court, during trial. The trial Court shall endeavour to conclude the proceedings in CC No.776 of 2022 as expeditiously as possible. With regard to the request of the petitioners 1& 4 for dispensing with their personal appearance before the trial Court, the petitioners 1 & 4 are at liberty to file an application under Section 205 of Cr.P.C before the trial Court and the trial Court, if satisfied that the petitioners would properly represent through a counsel, may consider the same on its own



Crl.O.P.(MD)No.2629 of 2024

merits. Consequently, connected miscellaneous petitions are closed.

WEB COPY

12.06.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

vrn

To

1.The Inspector of Police,
Eral Police Station,
Eral,
Thoothukudi District.

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



WEB COPY



Crl.O.P.(MD)No.2629 of 2024

B.PUGALENDHI,J

vrn

Order made in
Crl.O.P.(MD)No.2629 of 2024 and
Crl.MP(MD) Nos.2038 and 2039 of 2024

12.06.2024