



Crl.O.P.(MD)No.14249 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.14249 of 2022

and

Crl.M.P.(MD).Nos.9186 and 9188 of 2022

1.Malaichamy

2.K.Narayanan

3.Govindarasu

4.Sankaran

5.Ramu

6.Sundarasu

... Petitioners

Vs.

Kulanthaisamy

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records relating to the private complaint filed in S.C.No.22 of 2017 on the file of the learned Chief Judicial Magistrate, Sivagangai and quash the same as illegal as against the petitioners concerned.

For petitioners

: Mr.R.Karunanidhi



ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.22 of 2017, on the file of the learned Chief Judicial Magistrate, Sivagangai, against the petitioners.

2. The case of the prosecution is that on 18.01.1998, the accused persons surrounded the house of the respondent and poured kerosene on his house and set fire and threatened the respondent with dire consequences. Hence, the respondent has made a private complaint.

3. The learned counsel appearing for the petitioners would submit that the respondent has made a private complaint before the trial Court against the accused persons and the same was taken on file in S.C.No.5 of 2006 by the trial Court for the offence punishable under Sections 147, 148, 341, 427, 436, 506(2), 448 and 379 IPC and the trial Court acquitted 18 accused persons on the ground that the prosecution has not proved the case beyond reasonable doubt. Since the petitioners have not appeared before the trial Court, the case was split up in respect of the petitioners and S.C.No.22 of 2017 was assigned. However, it would suffice if this Court directs the Court below to dispose of



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S.C.No.22 of 2017 within a time stipulated and may consider to dispense with the personal appearance of the petitioners before the court below.

4. Taking into consideration the request made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

5. Since the case is pending from the year 2017, the trial Court is directed to complete the trial in S.C.No.22 of 2017 and dispose of the same within a period of three (3) months from the date of receipt of a copy of this order and if the respondent is not co-operating for the trial, the trial Court may pass appropriate orders in terms of Section 256 of Cr.P.C.



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6. Accordingly, this Criminal Original Petition is disposed of.

Connected miscellaneous petitions are closed.

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Index : Yes/No
Internet : Yes/No
ssb

To

The Chief Judicial Magistrate, Sivagangai.



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M.DHANDAPANI. J.

ssb

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