



Crl.O.P(MD).No.11486 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.11486 of 2021 and
Crl.M.P(MD).Nos. 5852 and 5853 of 2021

1.M.Malaisamy
2.M.Pappa
3.M.Sathyawathi
4.M.Praba
5.J.Alagarsamy

... Petitioners

Vs.

E.Mottaiyan

... Respondent

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for records in C.C.No.80 of 2020 on the file of the District Munsif cum Judicial Magistrate, Peraiyur and quash the same.

For Petitioners : Mr.J.Gunaseelan Muthiah

For Respondent : Mr.M.Solaisamy

ORDER

This Criminal Original Petition has been filed to call for records in C.C.No.80 of 2020 on the file of the District Munsif cum Judicial Magistrate, Peraiyur and quash the same.



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2.The learned counsel appearing for the petitioners submitted that due to previous enmity with regard to property dispute, the respondents herein has lodged a criminal complaint against the petitioners. He would further submit that there is no specific overt act attributed against the petitioners and prayed for allowing this petition.

3.The learned counsel appearing for the respondent / complainant submitted that the respondent first lodged a complaint before the Police, but, they have not taken any action. Therefore, he has approached the Judicial Magistrate, Peraiyur for registering the First Information Report. After perusal of the records and recording the sworn statement, the trial Court has taken cognizance of private complaint, so this Criminal Original Petition has to be dismissed.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. Even though the petitioner denied the allegation stated that in the case, the final report was filed and the same has been taken on file in C.C.No.80 of 2020, the matter has to be decided only by the trial Court.



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Therefore, I find that there is no merit in this petition and hence, the same is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

6. In the circumstances, the learned counsel appearing for the petitioners seeks to dispense with the personal appearance of the petitioners before this Court.

7. Taking into consideration of the request as made by the learned counsel for the petitioner, 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 are necessary, the trial Court, at its wisdom, shall direct those appearance on those days.

05.04.2024

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

trp



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To
WEB COPY

1. The District Munsif cum Judicial Magistrate, Peraiyur
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



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A.A.NAKKIRAN, J.

Trp

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