



Crl.O.P. (MD) No.12511 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.12511 of 2024
and
Crl.M.P.(MD)Nos.7745 and 7747 of 2024

Parthasarathy

... Petitioner

Vs

1. The Inspector of Police,
Tallakulam Police Station (Crime),
Tallakulam Police Station,
Madurai City.
Crime No.2022 of 2017.

2. D.Veerpandi

... Respondents

PRAYER: Petition filed under Section 482 Cr.P.C. seeking to call for the records relating to the proceedings in C.C.No.1344 of 2022 on the file of the learned Judicial Magistrate Court No.II, Madurai and Quash the same as illegal as far as the petitioner herein.

For Petitioner : Mr.M.Kannan

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

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The petitioner has filed this petition, seeking to quash the proceedings in charge sheet in C.C.No.1344 of 2022 on the file of the learned Judicial Magistrate No.II, Madurai.

2. The case of the prosecution is that the accused have promised the defacto complainant to arrange a job in the Government Department and received a sum of Rs.12,00,000/- from the defacto complainant. However, they have neither arranged any job as promised nor returned the amount. Hence the case.

3.The learned Counsel for the petitioner submits that neither in the complaint nor in the charge sheet, there is no such statement that the petitioner had conspired along with the other accused. He further submits that the petitioner has not received any amount from the defacto complainant. Hence, the petitioner cannot be prosecuted.

4.The learned Government Advocate (Crl.Side) submits that in this



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case, the trial has been commenced. However, he is not having any required data with regard to the number of witnesses, who have been examined and the date of next hearing.

5.Considering this submission that the trial has already been commenced, this Court is not inclined to entertain this application on the grounds raised in support of this petitions. The grounds raised by the petitioner can very well be appreciated during the course of the trial. Since the petitioner is having a remedy before the trial Court, the petitioner shall workout his remedy before the trial Court. The trial Court shall also consider the grounds raised in support of this petition. Accordingly, this criminal original petition is dismissed with a direction to the trial Court to conclude the trial as expeditiously as possible, preferably, within a period of six months.

6.The learned Counsel appearing for the petitioner insisted for dispensing the personal appearance of the petitioner on the ground that the petitioner is physically not fit to appear before the trial Court.



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7.This Court, without any required material is not in a position to grant the same. Therefore, the petitioner is at liberty to file an application under Section 205 Cr.P.C before the learned Judicial Magistrate No.II, Madurai, along with the medical records. The trial Court shall take a call on that application depending upon the materials placed.

8.Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

LR

To

1. The Judicial Magistrate No.II,
Madurai .

2. The Inspector of Police,
Tallakulam Police Station (Crime),
Tallakulam Police Station,
Madurai City.

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



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B.PUGALENDHI, J.

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