



Crl.O.P(MD).No.21664 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.21664 of 2022 and
Crl.M.P(MD).Nos.15263 and 15264 of 2022

1.E.Karthick
2.Ilango
3.Ulakammal
4.Mallika

... Petitioners

Vs.

1.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar.
(Crime No.396 of 2016)

2.Muthulakshmi

... Respondents

PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records connected with the case in C.C.No.195 of 2022 pending on the file of the learned Judicial Magistrate No.I, Virudhunagar and quash the same as illegal as against the petitioner.

For Petitioners : Mr.A. Prabu raj

For respondent No.1 : Mr.R.M. Anbunithi

Additional Public Prosecutor

For Respondent No.2 : No appearance



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ORDER

This Criminal Original Petition has been filed to call for the records connected with the case in C.C.No.195 of 2022 pending on the file of the learned Judicial Magistrate No.I, Virudhunagar and quash the same as illegal as against the petitioners.

2. The case of the prosecution is that on 29.12.2016, the defacto complainant, who is Revenue Officer of the Vachakaranpatti viz., Muthulakshmi residing at R.R.Nagar, Vachakaranpatti has left her home for shopping and while she returned to her home at about 9.45 am, she found that the said accused Nos.1 to 5 were locked her house by using a silver lock with iron chain and also locked her office and standing in front of the Tamil Nadu Rural Livelihood Mission Office. At that time, the complainant tried to break open the door with the help of the Village Administrative Officer and Village Assistant, while being so, the accused persons restrained them and they also threatened her with dire consequences. Hence, the FIR has been registered in Crime No.396 of 2016 for the offences under Sections 147, 341, 353, 506(i) IPC and thereafter, case has been charge sheeted in C.C.No.195 of 2022 on the



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file of the learned Judicial Magistrate No.I, Virudhunagar.

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3. The learned counsel appearing for the petitioners submitted that the first respondent police has filed a petition under Section 473 Cr.P.C., in Crl.M.P.No.1944 of 2020 before the learned Judicial Magistrate No.I, Virudhunagar to condone the delay in filing the final report within the time by stating that final report has been merged with some other files and hence, they could not able to file the final report within the time limit. Even though the strong objection has been made by the petitioners, the learned Judicial Magistrate No.I, Virudhunagar passed vague order and condoned the delay in the mechanical manner and prays for allowing this petition.

4. The learned Additional Public Prosecutor appearing for the first respondent police would submit that learned Magistrate has passed an order after considering all the facts and circumstances. He would further submit that out of 63 witnesses 10 witnesses have been examined and the petitioners have appeal remedy before the concerned Court. But, without preferring the appeal before the concerned Court, the petitioners have filed the present petition and prays for dismissal of



this petition.

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5. Considering the nature of allegations made against the petitioners and that the petitioners have appeal remedy before the concerned Court, this Court is not inclined to allow this petition.

6. Accordingly, these Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

7. In the circumstances, the learned counsel appearing for the petitioners seeks to dispense with the personal appearance of the petitioners before the trial Court as well as early disposal of the case.

8. Taking into consideration of the request as 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



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reason, the presence of the petitioners are necessary, the trial court, at its wisdom, shall direct those appearance on those days.

29.04.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

- 1.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar.
(Crime No.396 of 2016)
2. learned Judicial Magistrate No.I, Virudhunagar
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

Trp

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