

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.15249 of 2015

and

M.P.No.1 of 2015

K.P.Karunanidhi

...Petitioner

Vs

State rep. By
The Inspector of Police,
Kandamangalam Police Station,
Villupuram District
(Crime No.132/2006)

...Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate No.2, Villupuram to take unnumbered Cr.M.P.No. Of 2007 in C.C.No.413 of 2006 on file and dispose of the same on merits and allow the above Criminal Original Petition.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking a direction to the learned Judicial Magistrate No.2, Villupuram, to take unnumbered Cr.M.P.No. Of 2007 in C.C.No.413 of 2006, on file and dispose of the same on merits and in accordance with law, the petitioner is before this Court with this petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.It is seen that, on a complaint lodged by the petitioner, the respondent police registered a case in Crime NO.132 of 2006 for offence under Sections 147, 148, 341, 323, 324 & 506(ii) I.P.C. After completing investigation, the respondent police filed a final report before the learned Judicial Magistrate No.2, Villupuram, which has been taken on file in C.C.No.413 of 2006 and the same is pending.

4.At that juncture, it appears that the petitioner/defacto complainant filed an application for further investigation of the case under Section 173(8) Cr.P.C., and the same is still pending before the learned Judicial Magistrate.

5.It is the submission of the learned counsel for the petitioner that there are serious offences made out against the accused which requires further investigation and hence, the petitioner has filed the said application.

6.Now, it appears that the defacto complainant has been examined in part before the trial Court and the trial has commenced.

7.Under such circumstances, this Court gives liberty to the petitioner/defacto complainant to withdraw the application that has been filed by him before the trial Court and the trial Court is directed to proceed with the trial in accordance with law and complete the same, within a period of six months from the date of receipt of a copy of this order.

8.The Criminal Original Petition is ordered accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Inspector of Police,
Kandamangalam Police Station,
Villupuram District

2.The Public Prosecutor,
High Court, Madras.

3.The Judicial Magistrate,
Court No.II, Villupuram.

1 CC to Mr.C.Prabakaran, Advocate SR.No. 31469

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BR (CO)

PSI (03.07.2015)