

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.17603 of 2016
and
Crl.MP No.8418 of 2016

Janakiraman .. Petitioner
Vs

State by
The Inspector of Police,
Kodavasal Circle Police Station
Thiruvarur District. ..Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.C.No.41 of 2016, on the file of the Judicial Magistrate Court, Thiruvarur, and quash the same.

For Petitioner : Mr.M.L.Ramesh
For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to call for the records in C.C.No.41 of 2016, on the file of the Judicial Magistrate Court, Thiruvarur and quash the same.

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

3. On the complaint lodged by one Marimuthu, the respondent police registered a case in Cr.No.145 of 2010 for the offences under Sections 341, 323 and 324 of IPC, and after completing the investigation, has filed a Final Report in C.C.No.41 of 2016 before the Judicial Magistrate, Thiruvarur (Junior Division), challenging which the petitioner is before this Court.

4. Mr.M.L.Ramesh, learned counsel for the petitioner submitted that though the incident is said to have taken place on 06.07.2010 and the First Information Report was registered on 07.07.2010, yet the police have chosen to file the charge sheet only on 30.03.2016, with an inordinate delay of 6 years and therefore, the prosecution has to be quashed.

5. In this regard, the learned counsel placed strong reliance on the judgment of the Supreme Court in Abdul Rehman Antulay and others vs. R.S.Nayak & another [(1992) 1 SCC 225]. This Court has no quarrel with the above said proposition. In Ranjan Dwivedi vs. CBI [(2012)) 8 SCC 495], the Supreme Court has refused to quash the prosecution which was 30 years old and stated that, just because proceedings have been delayed, that cannot be a reason for quashing the prosecution, inasmuch as the victim will go without justice. In this case, the victim has suffered grievous injuries in the attack and hence, Section 326 IPC has been added. In view of the categorical pronouncement of the Supreme Court, this petition is dismissed. However, the trial Court is directed to expeditiously conduct the trial in C.C.No.41 of 2016. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Kodavasal Circle Police Station
Thiruvarur District.

2.Judicial Magistrate Court,
Thiruvarur.

3.The Public Prosecutor
High Court
Madras.

+1cc to Mr.M.L.Ramesh, Advocate Sr.46013

Cr1.OP No.17603 of 2016

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srg 31/08/2016