

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.19588 of 2016
and CrI.MP.Nos.9184 & 9188 of 2016

Mullainathan

...

Petitioner

Vs

1.State by

The Inspector of Police,
Thiruvengaadu Police Station,
Nagapattinam District.
(Crime No.275 of 2006)

2.V.Tamilselvan

...

Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.184/2008 on the file of the Judicial Magistrate, Sirkali and quash the same.

For Petitioners :Mr.M.N.Balakrishnan

For Respondents :Mr.C.Emalias,[for R1]
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.184 of 2008 pending on the file of the Judicial Magistrate, Sirkali.

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

3. It is seen that on the complaint lodged by the second respondent, the respondent Police have registered a case in Crime No.275 of 2006 on 24.12.2006 and after completing the

investigation has filed a final report in C.C.No.184 of 2008 before the Judicial Magistrate, Sirkali, against five accused for the offences under Section 147, 294(b), 323 & 506(ii) IPC, challenging which, Mullainathan (A2) is before this Court.

4. The learned counsel for the petitioner submitted that the case was registered in the year 2006 and final report was filed in the year 2008, but till date no witness has been examined by the Police as A3, A4 and A5 are absconding.

5. If this Court admits this petition, it will only further prolong the agony of the petitioner. Under such circumstances, this Court directs the respondent-Police to file an application for splitting of the case in C.C.No.184 of 2008 before the Judicial Magistrate, Sirkali, within two weeks from the date of receipt of a copy of this order and thereafter, the trial Court is directed to proceed with the trial and complete the same as against Elangovan (A1) and Mullainathan (A2) within three months thereafter. Mullainathan (A2) is directed to surrender before the trial Court.

6. The learned Additional Public Prosecutor submitted that non-bailable warrant pending against Mullainathan (A2) had been recalled on 08.08.2016.

7. Under such circumstances, the accused are directed to co-operate with the trial by cross-examining the witnesses as they have already been examined-in-chief and the trial Court is directed to complete the trial as directed above.

With the above direction, this Criminal Original Petition is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate Court,
Sirkali.

2.The Inspector of Police,
Thiruvengaadu Police Station,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Chennai.

+1cc to M/S.M.N.Balakrishnan, Advocate Sr.49502

Cr1.OP.No.19588 of 2016

ala[co]
srg 20/09/2016



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