

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.2742 of 2016

S.Siva

.. Petitioner/Accused

.. Vs ..

The Inspector of Police,
W-32 All Women Police Station,
Madipakkam, Chennai.

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to issue suitable direction the learned Judicial Magistrate, Alandur, Chennai - 16, to take the discharge petition dated 01.02.2016 in C.C.No.803 of 2007 and proceed further as per law.

For Petitioner : Mr.S.Siva

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

ORDER

The petitioner has come forward with the present petition seeking for a direction directing the learned Judicial Magistrate, Alandur, Chennai - 16, to take the discharge petition dated 01.02.2016 in C.C.No.803 of 2007 and proceed further as per law.

2. The learned counsel appearing for the petitioner would submit that the de facto complainant viz., Ambika herself has given a compromise letter to the Inspector of Police, Tambaram Police Station, Chennai, stating that she has not married the petitioner herein and therefore, the petitioner has filed a petition for discharge and the same was not taken on file by the learned Judicial Magistrate, Alandur, Chennai, and hence, the petitioner has come forward with this petition for the above stated relief.

3. The learned Additional Public Prosecutor filed a detailed counter affidavit, wherein, it is stated that the petitioner herein had already married one Sumangali Geetha on 07.09.2000 and he divorced her on 31.01.2006. Further, it is stated that the petitioner herein has filed a petition for discharge before the learned Judicial Magistrate, Alandur, vide C.M.P.No.6783 of 2015, which was dismissed on merits.

4. This Court, on 09.02.2016, has called for a report from the learned Judicial Magistrate, Alandur and the learned Judicial Magistrate, Alandur, has also sent a report to this Court stating that after framing of charges in C.C.No.803 of 2007, the petitioner herein has filed a petition for discharge which was dismissed on 22.12.2015 in C.M.P.No.6783 of 2015 and now, P.W.1 was in witness box and the case was posted to 14.03.2016.

5. Considering the facts and circumstances of the case, this Court is of the opinion that no useful purpose would be served by keeping the matter pending. Hence, this Criminal Original Petition is liable to be dismissed and accordingly, it is dismissed. However, a direction is given to the learned Judicial Magistrate, Alandur, to dispose of the case in C.C.No.803 of 2007, within a period of three months from the date of receipt of copy of this order on day-to-day basis, since the case is pending for the past eight years.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

Jrl

To

1. The Judicial Magistrate,
Alandur, Chennai.
2. do thro the Chief Judicial Magistrate
Chengalpattu District
3. The Inspector of Police,
W-32 All Women Police Station,
Madipakkam, Chennai.
4. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.S. Siva, party in person, Sr. 10266

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PPA (CO)
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