

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4801 of 2016
and Crl.M.P.Nos.2524 and 2525 of 2016

1.Ganesh
2.Chittibabu
3.Marimuthu ... Petitioners/Accused

Vs.

1.State rep. by
Inspector of Police
S-15, Selaiyur police station
Selaiyur, Chennai.

2.Neetha .. Respondents/ Complainant and
Defacto Complainant

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records pertaining to the case in C.C.No.398/2008 on the file of the learned Judicial Magistrate, Tambaram and quash the same.

For Petitioners :Mr.G.M.Sankar

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition is filed to quash the proceedings in C.C.No.398 of 2008 on the file of the learned Judicial Magistrate, Tambaram.

2.Learned counsel for the petitioners submits that the petitioners/accused have been facing criminal case for the offence under Section 304A IPC and the same was taken as C.C.No.398 of 2008 on the file of the learned Judicial Magistrate, Tambaram. The petitioners are innocent and they are nothing to do with the alleged offence. He further submits that the petitioners have already filed Crl.O.P.No.24009 of 2015 before this Court seeking early disposal of C.C.No.398 of 2008. This Court by an order dated 13.10.2015, has given a direction to the trial Court to complete the trial in C.C.No.398 of 2008

within a period of three months from the date of receipt of the copy of that order. But the respondent has not produced the investigating officer before the trial Court for examination. Hence, the petitioners have come forward with this petition for the above stated relief.

3.Learned Additional Public Prosecutor submits that all the witnesses have already been examined. Now the case has been posted for examination of the investigating officer on 18.03.2016. Therefore, he prays for dismissal of this petition.

4.At the time of argument, learned counsel for the petitioner seeks early disposal of C.C.No.398 of 2008 within the time as fixed by this Court.

5.Considering the rival submissions made on both sides, the respondent police is directed to produce the investigating officer and also the Electrical Inspector before the trial Court on 18.03.2016. The trial Court is directed to dispose of C.C.No.398 of 2008 within a period of one month from the date of receipt of a copy of this order. The trial Court is further directed to consider the petition filed by the petitioners to dispense with their personal appearance.

6.The Criminal Original Petition is disposed of with the above direction. Consequently, connected Miscellaneous Petitions stand closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1.The Judicial Magistrate, Tambaram.

2.Inspector of Police
S-15, Selaiyur police station
Selaiyur, Chennai.

3.The Public Prosecutor
High Court, Chennai.

+ 2 ccs to Mr.G.M.Sankar, Advocate Sr 13550 (17/3/16)

Crl.O.P.No.4801 of 2016
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