



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

Cr1.O.P.(MD).No.16583 of 2016

and

Cr1.M.P(MD)Nos.8146 and 8147 of 2016

Cherryachan

.. Petitioner/Accused No.3

Vs.

1.The State represented by
The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.850 of 2004)

.. Respondent/Complainant

2.J.Philip

.. Respondent/Defacto-
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the entire records pertaining to the case in C.C.No.50 of 2005 on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District and quash the same.

For Petitioner

: Mr.S.Balaji

For R-1

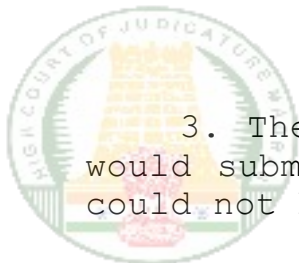
: Mr.K.Anbarasan

Government Advocate (Criminal side)

ORDER

This Petition has been filed by the petitioner to quash the proceedings in C.C.No.50 of 2005 on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District.

2. The learned counsel for the petitioner would submit that though the case was registered in the year 2004 in Crime No.850 of 2004, the case was taken on file by the Court below only in the year 2005 and thereafter, there is no progress for the past eleven years, which caused undue hardship and irreparable loss to the petitioner. He would further submit that it would suffice, if a direction is issued for speedy disposal of the case.



3. The learned Government Advocate (Crl. Side) on instructions would submit that non-bailable warrant issued against A-1 and A-2 could not be executed so far and hence, the case is pending.

4. Considering the above said fact, the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District, is directed to split up the case in respect of the petitioner and dispose of the same, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

With the above direction, this Criminal Original Petition is disposed of. Connected M.Ps., are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

pm
To

1. The Judicial Magistrate,
Padmanabhapuram,
Kanyakumari District.

2. The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

3. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.Balaji, Advocate Sr.No.68060

GJM/SK/SKN/SAR-3-25.11.6-2p-5C

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