

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.5562 of 2011
and M.P.No.2 of 2011

P.Arvind Akash

.. Petitioner/Accused

Vs

1.The State of Tamil Nadu,
rep.by the Inspector of Police,
W21, All Women Police Station,
Guindy, Chennai-32.
Crime No.5 of 2009.

2.Shabita Modi .. Respondents/Complainant

Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the proceedings in C.C.No.11910 of 2009 on the file of the IX Metropolitan Judicial Magistrate Court, Saidapet, Chennai and quash the said proceedings.

For Petitioner : No appearance

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

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to C.C.No.11910 of 2009 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai and quash the same.

2.The case relates to the year 2009. The petitioner and the second respondent are husband and wife. The main allegation levelled against the petitioner is that the petitioner and his family members demanded cash, marriage expenses and a car before marriage and after marriage, the petitioner and his mother harassed her; after the birth of the child, the petitioner did not care her and the child; the petitioner's mother and brother did not take any steps to resolve the misunderstanding between the husband and wife; the petitioner abused the second respondent's brothers. It is also stated in the complaint that

the petitioner made preparation to go to UK leaving the second respondent and the child without giving them any assistance and hence the petitioner should be prevented from going to UK.

3.It is purely a family dispute. When this matter came up before this Court on 05.01.2017, this Court dismissed the stay petition on the ground that no order has been passed by this Court in the petition right from the year 2011 when the petition was filed and hence there is no point in keeping the petition pending.

4.Considering the facts and circumstances of the case, the Criminal Original Petition is dismissed directing the learned IX Metropolitan Magistrate, Saidapet, Chennai, to dispose of the case in C.C.No.11910 of 2009 as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is also dismissed.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

To

1. The IX Metropolitan Magistrate, Saidapet, Chennai.
2. Do Thro The Chief Metropolitan Magistrate, Allikulam
3. The Inspector of Police,
W21, All Women Police Station,
Guindy, Chennai-32.
4. The Public Prosecutor, Madras High Court, Chennai-600 104.

सत्यमेव जयते

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MG (CO)
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