

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2017

CORAM : THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

Crl.OP.No.25492 of 2010
and M.P.No.1 of 2010

N.Arulpethaiah

...

Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Kancheepuram.
(Crime No.8 of 2001)

2.Ponswamynathan
Executive Officer,
Nemmely Arulmighu Alavandar
Naicker Arakkatalai,
Mamallapuram,
Kancheepuram District. ...
(R2 impleaded as per order of this Court
dated 20.12.2010 in MP.No.3 of 2010)

Respondents

Prayer : Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records and quash the
proceedings in C.C.No.226 of 2003 pending on the file of the
learned Judicial Magistrate No.II, Chengalpet.

For Petitioner :Mr.V.Jayaprakash

For Respondents:Mr.B.Ramesh Babu [for R1]
Govt. Advocate [Crl. Side]
Mr.V.Raghavachari [for R2]

सत्यमेव जयते
ORDER

This petition is filed under Sec.482 Cr.P.C. to quash the charge sheet in C.C.No.226 of 2003 on the file of the Judicial Magistrate No.I, Chengalpet as against the third accused. There are three accused persons in this case and the nature of accusation against them is that they joined together to fabricate some proceedings of the Commissioner of H.R&C.E Department, under which the Executive Officer of Alavandar Charitable Trust, Mamallapuram was directed to issue NOC regarding 101.23 acres of latter's property. After investigation, the first respondent has laid a charge sheet under Sec.468 and 420 IIPC.

2. The learned counsel for the petitioner submitted A1 alone was named in the FIR, that the petitioner/A3 was not originally arrayed as accused in FIR in Crime No.8 of 2001 and that he was roped in based only on the confession statement of A2 given to the investigating agency in the course of investigation. He further submitted that A2 is now dead.

3. Whether there is an active participation of A3 in the alleged commission of offence is essentially a matter for trial and it is premature on the part of this Court to foresee the outcome of the trial at this stage. Therefore, it is only appropriate the petitioner faces the trial of the case.

4. It is a very long pending case and the Magistrate has taken cognizance sometime in the year 2003 and it is very important that the trial of the case is expedited. Accordingly the Magistrate is directed to take forward the case in C.C.No.226 of 2003 to the stage of trial and then post the matter successively and dispose it within two months from the date of receipt of records of this case. The petitioner is also accorded exemption from appearance unless the Magistrate requires his presence and participation in the trial at any stage of the trial.

5. For the foregoing reasons, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ds

To:

1.The Judicial Magistrate No.II
Chengalpet

2.The Inspector of Police,
District Crime Branch,
Kancheepuram.
(Crime No.8 of 2001)

3.The Public Prosecutor
High Court, Madras.

+1 cc to M/s.V.Jayaprakash Advocate sr 11516
+1 cc to M/s.V.Raghavachari Advocate sr 11650

Crl.OP.No.25492 of 2010

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