



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.08.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.11256 of 2017

Jamila Ruby Mehal,
W/o.Anbalagan,
Founder and Managing Trustee,
Bright Educational Development Trust,
Anamalaiyanpatti,
Uthamapalayam, Theni District.

... Petitioner

-Vs-

The State rep. By its,
Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.33 of 2015)

... Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to issue a direction to the learned Judicial Magistrate, Theni, to expedite and dispose the petition in Cr.M.P. No.4047 of 2016 within a time frame as fixed by this Court.

For Petitioner	: Mr.B.Saravanan
For Respondent	: Mr.K.Anbarasan, Government Advocate(Crl. Side).

O R D E R

This Criminal Original petition is filed seeking a direction to the learned Judicial Magistrate, Theni, to expedite and dispose the petition in Cr.M.P.No.4047 of 2016 within a time frame as fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondent.

3. The case of the petitioner is that the petitioner preferred a complaint before the respondent police on 18.08.2015. However, the said complaint was not investigated properly. It was only in pursuant to the direction passed by this Court, a case was



registered in Crime No.33 of 2015 for the offences under Sections 406, 420, 477(A), 380 and 506(i) I.P.C.

4. It is alleged that the documents forged by the accused persons were not seized by the respondent police and that due to failure on the part of the investigation officer, the case registered in Crime No.33 of 2015 was closed as "further action dropped". It is in these circumstances, the petitioner stated that he has filed a petition in CrI.M.P.No.4047 of 2016 under Section 173(8) of Cr.P.C., before the learned Judicial Magistrate seeking further investigation. Since the petition filed by the petitioner has not been disposed of, the learned counsel for the petitioner submitted that the above Criminal Original petition is filed by the petitioner.

5. The learned Government Advocate(Criminal Side) pointed out that the petitioner himself was absent before the lower Court on many occasions and that therefore, there is some delay in disposal of the case.

6. From "B" diary, the contention of the learned Government Advocate(Criminal Side) is true. However taking into consideration the grave nature of the offences alleged to have been committed by the accused in the criminal case, this Court is inclined to pass the following direction:-

"The learned Judicial Magistrate, Theni District, is directed to dispose of the petition in Cr.M.P.No.4047 of 2016 within a period of three months from the date of receipt of a copy of this order."

7. The Criminal Original petition is allowed, as indicated above.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Theni District.

2. The Inspector of Police,
District Crime Branch,



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

Pmu

MK/SV MMS/SAR-1/07.09.2017/3P/4C

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