



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

Cr1.O.P.(MD) No.7662 of 2017

and

Cr1.M.P(MD) No.5239 of 2017

Sasikumar ... Petitioner/Sole Accused

-vs-

1. The State Rep. By
The Sub Inspector of Police,
Colachel Police Station,
Kanyakumari District. ...Respondent/Complainant

2.Roopak ...Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying this Court to call for the records relating to the impugned charge-sheet C.C.No.380/2008, on the file of the Judicial Magistrate, Eraniel and to quash the same.

For Petitioner : Mr.R.Russel Raj

For R-1 : Mr.K.Anbarasan
Government Advocate (Cr1.Side)

O R D E R

This Criminal Original Petition has been filed praying this Court to call for the records relating to the impugned charge-sheet C.C.No.380/2008, on the file of the Judicial Magistrate, Eraniel and to quash the same.

2.Heard the learned counsel for the Petitioner and the learned Government Advocate(Cr1.side) appearing for the first respondent and perused the materials placed before this Court.

3.A case has been registered against the Petitioner based on the complaint given by the de-facto complainant for the alleged offence under Sections 324 and 506(ii) IPC in Crime No.359



of 2008..Though the charge-sheet has been filed in C.C.No.380 of 2008 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District, the Petitioner has filed this petition to quash the proceedings mainly on the ground that the respondent was not able to show further progress in the criminal case.

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4.The learned Government Advocate(Crl.side) appearing on behalf of the first respondent/Police, on the other hand, would submit that the Petitioner is a history-sheeted rowdy and he has a very bad reputation and several antecedents to his credit.The respondent has also shown the reasons for the delay, particularly having regard to the character of the Petitioner.

5.In such circumstances, this Court does not find any justifiable reason to quash the criminal case. However, in view of the long delay, this Court also called for a report from the Principal District Munsif-cum-Judicial Magistrate, Eraniel to explain the delay in the disposal of C.C.No.380 of 2008. The learned Judge also submitted a report indicating that in view of non-production of witnesses by the prosecution, the case is finally posted on 4.10.2017 for production of list of witnesses 1 to 3.

6.Taking into account the report of the learned Judge, this Court is of the view that the delay in producing the witnesses for the past more than eight years having been properly accounted by the respondent Police, this Court, while dismissing this Criminal Original Petition to quash the proceedings, left it open to the Petitioner to approach this Court, in case, the respondent-Police are not able to produce the witnesses on 4.10.2017 before the Court below. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Eraniel,
Kanyakumari District.
2. The Sub-Inspector of Police,
Colachel Police Station,
Kanyakumari District.



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

+1 cc to Mr.R.Russel Raj , Advocate in SR.No. 63769

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vsn

AE/MR KKR/SAR3/11.07.2017/3P/5C

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