

In the High Court of Judicature at Madras

Dated : 23.01.2018

Coram :

The Honourable Mr.Justice M.S.RAMESH

Crl.O.P.No.468 of 2018

Partheeban

... Petitioner/Accused

Vs

1. State by

The Inspector of Police,
Vadavanakkampadi Police Station,
Vandavasi Taluk,
Thiruvannamalai District.

2. Sundrasen

... Respondents/Complainant/Defacto
Complainant

Prayer : Criminal Original Petitions filed under Section 482 Cr.P.C. praying to call for the records and quash the entire proceedings in Crime No.83 of 2009 on the file of the Inspector of Police, Vadavanakkampadi Police Station.

For Petitioners: Mr.P.Sivamani
For Respondent : Mrs.P.Kritika Kamal
Government Advocate
(Crl.Side) for R1

ORDER

The present petition is to quash the F.I.R. in Crime No.83 of 2009 on the file of the first respondent police.

2 When the matter was called today, the learned Government Advocate (Crl.Side) produced the case diary pertaining to the aforesaid Crime.

3 Therein it is seen that the charge sheet has been laid on the complaint which was registered on 18.07.2009. The date of charge sheet is mentioned as 12.09.2010. The registry of concerned jurisdictional Magistrate had earlier returned the charge sheet, seeking for compliance of certain infirmities, which came to be re-presented later. Subsequently, on 01.08.2012, the registry of concerned jurisdictional Magistrate had raised further queries and returned the charge sheet. After that, the charge sheet has not been re-presented to enable the jurisdictional Magistrate to take it on file.

4 It is rather unfortunate that though the investigation has been completed and 23 witnesses have been examined under Section 161 (3) of Cr.p.C., the first respondent was lethargic and careless in failing to re-present the charge sheet. After the lapse of five years, it would not now be appropriate to direct them to re-present the charge sheet. The petitioner also would be put to serious prejudice and be denied of a speedy trial. On this short ground of laches on the part of the first respondent, the petitioner is entitled to succeed.

5. In the result, the criminal original petition stands allowed and proceedings in Crime No.83 of 2009, on the file of the Inspector of Police, Vadavanakkampadi Police Station, is hereby quashed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
Vadavanakkampadi Police Station,
Vandavasi Taluk,
Thiruvannamalai District.
2. The Additional Public Prosecutor (Crl.Side)
High Court, Madras.

+1 CC to Mr.P. Sivamani, Advocate sr 5188.

सत्यमेव जयते Cr1.O.P.No.468 of 2018

RJ(CO)
SP(13/02/2018)

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