

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P.No.5856 of 2018 & Crl.M.P. No.2950 of 2018

G. Sundaram

...Petitioner

vs.

1 The State represented by
the Inspector of Police
J-12 Kaanathur Police Station
Chennai

2 Dillirani ...Respondents

Criminal Original Petition filed under Section 482 of
Cr.P.C. to call for the records pertaining to C.C. No.166 of
2015 on the file of the Judicial Magistrate No.I, Alandur and
quash the same.

For petitioner : Mr.Prof.M.Udaya Bhanu.

For R1 : Mrs. Kritika Kamal P.
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been preferred seeking
to call for the records pertaining to C.C. No.166 of 2015 on the
file of the Judicial Magistrate Court No.I, Alandur and quash
the same.

2 For the sake of convenience, the parties are referred
to by their name.

3 On the complaint lodged by Dillirani, the second
respondent herein, the first respondent police registered a case
in Cr.No.587 of 2015 and after completing the investigation,
have filed a charge sheet in C.C. No.166 of 2015 before the
Judicial Magistrate, Alandur for the offences under Sections
341, 294(b) and 324 IPC against Sundaram (A1) and Devika
Sundaram (A2), for quashing which, Sundaram (A1) is before this
Court.

4 Heard Prof. Udaya Bhanu, learned counsel for Sundaram (A1) and Mrs. Kritika Kamal P, learned Government Advocate (Crl. Side) appearing for the first respondent-State. Mr. N. Balu, S.I., Kanathur P.S. is present.

5 Prof. Udaya Bhanu, learned counsel for Sundaram (A1) submitted that the police have not taken any action on the complaint given by Sundaram (A1), whereas, they have taken action only on the complaint given by Dillirani and have prosecuted Sundaram (A1) and his wife Devika Sundaram (A2).

6 Per contra, the learned Government Advocate (Crl. Side) submitted that on the complaint lodged by Sundaram (A1), a case in Cr. No.586 of 2015 was registered and after completing the investigation, a charge sheet has been filed against one Sundaramoorthy, the husband of Dillirani in C.C. No.95 of 2017 before the same Court, viz., Judicial Magistrate Court, Alandur.

7 In such view of the matter, one charge sheet cannot be quashed and it should be left to the Trial Court to conduct trials in both the cases and deliver two different judgments. Further, since there are prima facie materials in C.C. No.166 of 2015, the same cannot be quashed. However, the Trial Court is directed to complete the trial in C.C. No.166 of 2015 and C.C. No.95 of 2017 within a period of six months from the date of receipt of a copy of this order, provided there is no other legal impediment and the accused cooperate by cross-examining the witnesses on the day they are examined-in-chief as held by the Supreme Court in Vinod Kumar vs. State of Punjab [2015(1) MLJ (Crl) 288]. If Sundaram (A1) adopts any dilatory tactics, he can be remanded to judicial custody in the light of the law laid down by the Supreme Court in State of Uttar Pradesh v. Shambhu Nath Singh [JT 2001 (4) SC 319]. If Sundaram (A1) absconds, a fresh FIR can be registered against him under Section 229-A IPC.

With the above directions, this Criminal Original Petition stands disposed of. Connected Crl.M.P. is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

cad

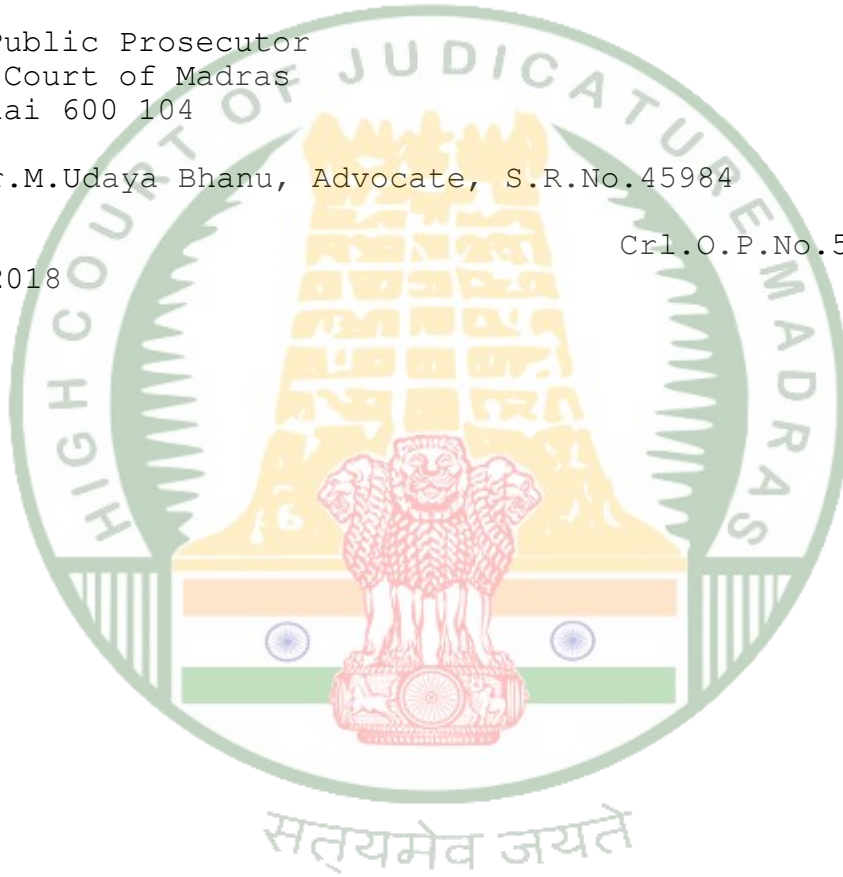
To

1. The Inspector of Police
J-12 Kaanathur Police Station
Chennai
2. The Judicial Magistrate No.I
Alandur
3. The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.M.Udaya Bhanu, Advocate, S.R.No.45984

CrI.O.P.No.5856 of 2018

BM 13/07/2018



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