

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CRL.O.P.No.23563 of 2018

Ilangovan

.. Petitioner

Vs

1.The Inspector of Police,
W26, All Women Police Station,
Ashok Nagar,
Chennai - 600 083.

2.G.Loganayagi

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the charge sheet filed in C.C.No.2234 of 2015 on the file of the learned Chief Metropolitan Magistrate, Chennai and quash the same.

For Petitioner : Mr.M.Vijayakumar
For R1 : Ms.M.Prabhavathi
Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the charge sheet filed in C.C.No.2234 of 2015 on the file of the Chief Metropolitan Magistrate, Chennai and quash the same.

2. The petitioner is facing prosecution in C.C.No.2234 of 2015 before the Chief Metropolitan Magistrate Court, Allikulam (Egmore), Chennai. Already, this Court had passed a detailed order in Crl.O.P.No.11551 of 2015 on 10.06.2015 in this case, and had issued a direction to the trial Court to complete the trial within six months from the date of receipt of records from the Mahila Court, Chennai. The case was transferred from the Mahila Court, Chennai, to the Chief Metropolitan Magistrate Court, Allikulam (Egmore), Chennai, and was renumbered as C.C.No.2234 of 2015. Adjudication order shows that L.W.1, the de facto complainant has appeared before the trial Court and has refused to give evidence, thereby, delaying the trial. Under such circumstances, the accused is before this Court, for quashing the prosecution.

3. Heard Mr.M.Vijayakumar, learned counsel for the petitioner and the learned Additional Public Prosecutor, appearing for the 1st respondent police.

4. In the opinion of this Court, no witness can refuse to give evidence and such a refusal will entail prosecution under Sections 178 and 179 IPC and a complaint can be lodged by the Court in terms of Section 195 Cr.P.C., for prosecuting the witness. The Court can also proceed with the other witnesses and complete the trial.

5. Hence, this Court directs the Chief Metropolitan Magistrate, Chennai, to complete the trial in C.C.No.2234 of 2015 expeditiously. If the de facto complainant does not co-operate, it is open to the trial Court to take action against her, as stated above, and also proceed with the trial in this case to its logical conclusion.

With the above observations, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mkn

To

1. The Chief Metropolitan Magistrate,
Egmore (Allikulam),
Chennai.

2. The Inspector of Police,
W26, All Women Police Station,
Ashok Nagar,
Chennai - 600 083.

3. The Public Prosecutor,
High Court, Madras.

+3cc to Mr. M.Vijaya Kumar, Advocate, S.R.No.68585

CRL.O.P.No.23563 of 2018

VGI (CO)
GN(25/10/2018)