



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Cr1.O.P. [MD] No. 3081 of 2018

and

Cr1.M.P. (MD) No. 1426 of 2018

R.Arul : Petitioner/Sole Accused
Vs.

1. The State by
The Inspector of Police,
Alwar Thirunagari Police Station,
Thoothukudi District,
(Crime No. 230/2013) ... 1st Respondent/Complainant
2. Umamaheswari 2nd Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the C.C.No.137 of 2014 on the file of the learned Judicial Magistrate, Srivaigundam, Thoothukudi District and quash the same.

For Petitioner : Ms.K.Malathi
For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1.Side)
For R2 : No Appearance

ORDER

The petitioner is arrayed as a sole accused in crime No.230 of 2013, in which the first respondent police laid charge sheet for the offence under Sections 294(b), 506(ii) IPC and the same has been taken cognizance by the learned Judicial Magistrate, (*) **Srivaigundam** and now it is pending trial in C.C.No.137 of 2014.

2. The learned counsel for the petitioner raised certain points and argued in substance that the final report does not disclose any materials that could justify even framing of charges. She added that the trial Court however, framed charges without any material basis.

3. The learned Government Advocate (Cr1.Side) submitted that the prosecution has cited 9 witnesses and charges have been framed and the statement of the witnesses indicates about the available materials for framing charges.

4. This Court carefully perused the entire context of the statement of the witnesses and satisfied that there are materials to frame charges and to try the same. Therefore this case is not a



fit one for this Court to interfere and quash the final report.

5. At this juncture, the learned counsel for the petitioner submitted that for the last five years the defacto complainant / second respondent herein has not made any appearance in the Court, but the petitioner though regularly appeared before the Court is being tormented by the long pendency of this case.

6. Taking note of the submission made by the learned counsel for the petitioner, this Court now directs the learned Judicial Magistrate, **(*)Srivaikundam** to expedite the process of trial and complete the same on or before 30.06.2019.

7. Subject to the said direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)
Dated: 03.04.2019

(*)Corrector Order

Sd/-

Assistant Registrar(CS-II)
Dated: 10.06.2019

// True Copy //

Sub Assistant Registrar(CS)

ta

To

(*)to be submitted to the order already despatched on 05.04.2019

**1.The Judicial Magistrate,
Srivaikundam.**

2.The Inspector of Police,
Alwar Thirunagari Police Station,
Thoothukudi District.

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

+1CC TO MR.K.MALATHI, Advocate Sr. No. 55403

**CrI.O.P. [MD]No.3081 of 2018
20.03.2019**