



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM

THE HONOURABLE MR. JUSTICE **N.SESHASAYEE**

Crl.O.P. (MD) Nos.4753 & 4795 of 2019

and

Crl.M.P. (MD) Nos.2923 & 2949 of 2019

Crl.O.P. (MD) No.4753 of 2019:

Aasaath @ Abul Kalam Aasaath ... Petitioner/Accused No.1

Vs.

1.State represented by
The Inspector of Police,
Sethubava Chathiram Police Station,
Thanjavur District. ... Respondent No.1/ Complainant

2.Panneer @ Kalimuthu ... Respondent No.2/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to FIR in Crime No.30 of 2011 on the file of the first respondent and quash the same as illegal as against this petitioner.

Crl.O.P. (MD) No.4795 of 2019:

Abdul Hameedh ... Petitioner/Accused No.1

Vs.

1.State represented by
The Inspector of Police,
Sethubava Chathiram Police Station,
Thanjavur District. ... Respondent No.1/ Complainant

2.Kalidas ... Respondent No.2/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to FIR in Crime No.63 of 2013 on the file of the first respondent and quash the same as illegal as against this petitioner.



(In both petitions)

For Petitioner : Mr.S.A.S.Alaudeen

For R-1 : Mr.A.P.G.Ohm Chairma Prabhu

Government Advocate (criminal side)

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C O M M O N O R D E R

The present petitions are filed by the first accused in Crime Nos. 30 of 2011 and 63 of 2013 on the file of the first respondent police for quashing the First Information Reports.

2.When the matters came before this Court earlier this Court was informed that investigation in Crime No.30 of 2011 is completed, but, the Case Diary file along with the report has been misplaced for few years. Therefore, this Court directed the jurisdictional Deputy Superintendent of Police to appear before this Court to explain as to how he intends to proceed with the case where the Case Diary file is stated to be missing.

3. Today, Mr.Ganesamoorthy, the Deputy Superintendent of Police, Pattukkottai Division is present before this Court and submitted that the Case Diary file along with final report in Crime No.30 of 2011 has been traced and the final report has been laid before the concerned court on 23.04.2019.

4. The learned counsel for the petitioner submitted that since the matter is pending for the last six years, the petitioner is put to immense hardship.

5. Therefore, in CrI.O.P(MD)No.4795 of 2019 this Court directs the learned Judicial Magistrate, Pattukkottai to apply his mind to the final report and do everything necessary to take the matter to the next stage within a period of three weeks from the date of receipt of a copy of this order.

6. In CrI.O.P(MD)No.4753 of 2019, after completion of investigation charge sheet has been filed and the case is pending in P.R.C.No.18 of 2019.

7. Hence, the trial court is directed to expedite the committal proceedings within a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, these Criminal Original Petitions are disposed of. Consequently, connected CrI.M.P(MD)Nos.2923 and 2949 of 2019 are closed.

Sd/-

Assistant Registrar (T & P)

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To,

1. Judicial Magistrate,
Pattukkottai

2. The Inspector of Police,
Sethubava Chathiram Police Station,
Thanjavur District.

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

+2CC TO MR.S.A.S.ALAUDEEN, Advocate Sr. No. 62488 & 62489

Crl.O.P. (MD) Nos.4753 & 4795 of 2019
and
Crl.M.P. (MD) Nos.2923 & 2949 of 2019
24.04.2019

AL(CO)

TR (20.05.2019) 3P 6C