



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.11.2019**

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.10180 of 2018

and

Crl.M.P (MD)Nos.4552 and 4553 of 2018

WEB COPY

1.Rethinasabapathy
2.Chellakannu

...Petitioners

Vs.

The State represented by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
(In Crime No.686 of 1999)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in C.C.No.216 of 2003 pending on the file of the Judicial Magistrate, Aranthangi and quash the same as against the petitioners.

For Petitioners : Mr.N.Balakrishnan

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

ORDER

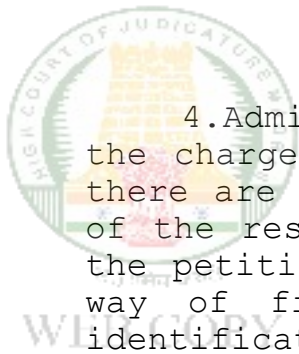
This petition has been filed to quash the proceedings in C.C.No.216 of 2003 on the file of the learned Judicial Magistrate, Aranthangi, as against the petitioners.

2. The learned counsel for the petitioner submitted that the petitioners approaches this Court with a prayer to quash the charge sheet on the following grounds.

i) There is an ordinate delay in investigation and the charge sheet was filed only in the year 2003 for a case which was registered in the year 1999. Ever since from the date of filing of charge sheet, no progress has been made in the present case so far.

ii) There is no specific allegation against the petitioners and that no identification parade was conducted to identify the accused persons, who involved in the present case.

3. In an earlier occasion, this Court directed the respondent police to get instruction about the delay in filing the charge sheet in the year 2003, for a case which was registered in the year 1999. But, today the learned Government Advocate (Crl.side) informed this Court that he has no serious objection to pass any order as prayed for by the petitioners.



4. Admittedly, the occurrence took place in the year 1999 and the charge sheet has been filed only in the year 2003 and totally there are 131 accused in this case. Due to the lethargic attitude of the respondent, the petitioners are suffering and further more, the petitioners are a daily collie and he earned his livelihood by way of fishing in the sea and considering the fact that no identification parade was conducted, even the trial is conducted before the competent Court no fruitful purpose would be served.

5. In view of the same, this Court is inclined to quash the charge sheet in C.C.No.216 of 2003, dated 20.11.2003 on the file of the learned Judicial Magistrate Court, Aranthangi.

6. Accordingly, this Criminal Original Petition is allowed and the charge sheet in C.C.No.216 of 2003 on the file of the learned Judicial Magistrate Court, Aranthangi, against the present petitioners, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

vsd

To

1. The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.

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

+1 CC to M/s.N.BALAKRISHNAN, Advocate (SR-96976[F] dated 08/11/2019)

**Cr1.O.P. (MD)No.10180 of 2018
and
Cr1.M.P (MD)Nos.4552 and 4553 of 2018
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KK/SAR/02.12.2019/2P-4C/