

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE T. RAVINDRAN

Crl.O.P.No. 19248 of 2020

S. Karunanithi
S/o. Selvaraj Nadar

... Petitioner/Complainant

Vs.

1. Ramya
W/o. Ganapathi

2. Gomathi
Sub Inspector of Police
C-4, Rathinapuri Police Station
Law and Order, Coimbatore.

... Respondent/Accused 1 & 2

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the Judicial Magistrate No.II, Coimbatore to dispose the Crl.M.P. No.5828 of 2019 filed by the petitioner within a time frame as stipulated by this Hon'ble Court.

For Petitioner : R. Krishna Prasad

O R D E R

The Criminal Original Petition has been laid by the petitioner seeking for a direction to the Judicial Magistrate No.II, Coimbatore, to dispose of the Crl.M.P. No.5828/2019 preferred by him within a specific time frame.

2. The grievance of the petitioner is that he has preferred a private complaint against the respondents 1 and 2 complaining about the illegal activities perpetrated by the respondents 1 and 2 and though the same had been taken on file in Crl.M.P. No.5828/2019 on the file of the Judicial Magistrate No.II, Coimbatore, other than recording his sworn statement and the statement of the three witnesses, the abovesaid court had not disposed of the complaint and adjourning the matter for one reason or the other and hence according to the petitioner, he has been necessitated to lay the Criminal Original Petition for appropriate relief.

3. Considering the materials placed on record, it is noted that, based on the complaint preferred by the petitioner in Crl.M.P. No.5828/2019, the Judicial Magistrate No.II, Coimbatore, has recorded the sworn statement of the

petitioner/complainant and also recorded the statements of the witnesses produced by him and thereafter, had been adjourning the matter for enquiry and on 20.11.2019, it is noted that opining that a detailed investigation is required to determine the value of the damage done to the properties, appears to have forwarded the complaint to SHO, Ratnapuri police station (Crime Branch), for investigation under section 202 Cr.PC with a direction to file a detailed report on or before 29.01.2020. However, even thereafter, it is found that no report had been filed by the abovesaid SHO as directed by the Magistrate and consequently the complaint preferred by the petitioner had been adjourned now and then. In such view of the matter, it is the submission of the petitioner that the Magistrate should be directed to dispose of the complaint preferred by him as per law expeditiously.

4. Considering the abovesaid factors on the whole, when a direction had already been given by the Magistrate to the SHO, Ratnagiri Police Station (Crime Branch), to conclude the enquiry under Section 202 Cr.PC within a specific time frame, the Magistrate should have endeavoured to obtain the report from the concerned police and dispose of the complaint preferred by the petitioner expeditiously in accordance with law. On the other hand, it is noted that the matter is kept pending unnecessarily for nearly one year period.

5. In such view of the matter, I am of the opinion that, in the fitness of the case and in the interest of justice, a suitable direction should be given to the Judicial Magistrate No.II, Coimbatore to dispose of the complaint preferred by the petitioner in CrI. MP No.5828/2019 within a specific time frame.

6. Taking into consideration the abovesaid factors, the Judicial Magistrate No.II, Coimbatore is directed to consider the complaint given by the petitioner in CrI.M.P. No.5828/2019 and dispose of the same in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Bga

To

- 1.The Judicial Magistrate No.II,
Coimbatore.
2. Do Thro The Chief Judicial Magistrate,
Coimbatore.

Crl.O.P.No.19248 of 2020

GN (22/12/2020)



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