



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2020

CORAM:

WEB COPY THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD) No.1402 of 2020

and

Crl.M.P(MD) Nos.636 and 645 of 2020

A.Murugesan ...Petitioner/Accused

Vs.

1. The Inspector of Police
Mannachanallur Police Station
Trichy District. ... 1st Respondent/Complainant
2. D.Mathiyazhagan ... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in PRC No.175 of 2019 on the file of the Judicial Magistrate No.III, Trichy and quash the same.

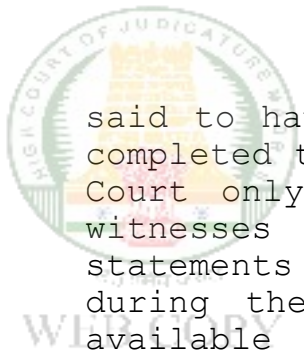
For Petitioner : Mr.N.Sankar Ganesh

For Respondents : Mr.S.Chandrasekar
No.1 Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in PRC No.175 of 2019 on the file of the learned Judicial Magistrate No.III, Trichy, as against the petitioner.

2. The learned counsel appearing for the petitioner would submit that originally a case was registered in Crime No. 412 of 2008 on 07.09.2008 for the offence under Section 174 Cr.P.C. As per the prosecution, the murder was alleged to have been committed one day prior to the registration of the case i.e., 06.09.2008. After investigation the respondent have implicated one Suresh and Ramesh along with the petitioner. Infact the said Suresh was arrested in a case in Crime No. 408 of 2008 by the respondent police for offence under Sections 341,323 and 506(ii) of IPC on 03.09.2008 and he was in judicial custody till 10.09.2008. The said suresh could not have committed the offence and thereby the entire case of the prosecution false. Apart from that though the case is



said to have been committed during the 2008, the respondent police completed the final report on 30.07.2011 and it was forwarded to the Court only on 09.04.2015. He would also submit that eventhough witnesses have been examined during the year 2011 and 2015 and statements have been recorded, the final report reached the Court during the year 2015. Taking into consideration the materials available there is no chance of the petitioner being convicted, the present petition has been filed to quash the committal proceedings.

3. The learned Additional Public Prosecutor would submit that all the points raised by the petitioner can be decided only at the time of trial before the trial court and that quashing of the entire proceedings cannot be considered now with regard to the materials collected by the respondent.

4. This Court is of the opinion that all the points raised by the petitioner can be only only at the appropriate stage. However this Court is able to see that there is a grave delay in the final report being filed and that the case is pending committal from the year 2019.

5. In view of the same, the Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is also closed. Further direction is issued to the learned Judicial Magistrate No.III, Trichy to complete the committal proceedings in PRC No. 175 of 2019 within a period of one month from the date of receipt of a copy of this order and forward the same to the Court of Sessions. The Sessions Court shall complete the trial proceedings as expeditiously as possible preferably within a period of six months from the date of committal.

6. At this juncture the learned counsel for the petitioner would submit that the petitioner may be permitted to file discharge petition seeking for discharge since there is no material to fix the accused persons. In view of the same, the petitioner is at liberty to file discharge petition and the learned Judge shall consider the same and pass orders in accordance with law on its own merits.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Judicial Magistrate No.III, Trichy.

2.The Inspector of Police,
Mannachanallur Police Station,
Trichy District.

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

+1 CC to M/s.N.SHANKAR GANESH, Advocate (SR-3833[F] dated
30/01/2020)

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