

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.O.P.No.4845 of 2018
and Crl.M.P.No.2402 & 2403/2018**

N.Kumar

... Petitioner

Vs.

1.The State of Tamil Nadu
rep.by the Inspector of Police,
T-15, SRMC Police Station,
Chennai.

2.Arunachalam

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in C.C.No.216 of 2009 on the file of the Judicial Magistrate I, Poonamallee and quash the same in so far as the Charge Sheet against the petitioner/2nd accused is concerned.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.A.Gopinath, Government Advocate
(Crl.Side)

ORDER

The petitioner has filed this petition seeking to call for the records and to quash the proceedings in C.C.No.216 of 2009, on the file of the Judicial Magistrate I, Poonamallee.

2. The case of the prosecution is that the defacto complainant was the President of Porur Town Panchayat and the petitioner is the editor of the monthly magazine Thalai Nagaram. During February 2009, the petitioner along with one Jayaveeran had approached the defacto complainant and demanded money for not to publish the article regarding his illegal sand mining activity and he continuously harassing the defacto complainant by citing the same reason and demanded huge money. Hence the defacto complainant has lodged a police complaint and the FIR was registered in Cr.No.299 of 2009, against the accused persons and also filed a Charge Sheet in C.C.No.216 of 2009, on the file of the Judicial Magistrate I, Poonamallee.

3.The learned counsel appearing for the petitioner submitted that the offences framed against the petitioner are mechanically foisted and he has not committed any chargeable offence as alleged by the prosecution and therefore, the Charge Sheet is *per se* illegal and un-sustainable.

4. The learned Government Advocate (Crl.Side) submitted that this issue involves adjudication on disputed question of facts and therefore, if some outer time limit is given, the Criminal Case may be given disposal as early as possible.

5.The contention of the learned counsel appearing for the petitioner is that he has been wrongly implicated in this case and the offences framed against him are highly improbable. As the issue involves adjudication before the Trial Court, the complaint lodged by the complainant cannot be quashed and further the issue raised is a triable issue which has to be decided by the Trial Court after trial.

6.Hence, I am not inclined to interfere with the proceedings in C.C.No.216 of 2009 on the file of the Judicial Magistrate I, Poonamallee.

7.It is now represented by the learned counsel appearing for the petitioner that without going into the merits of the case, it would suffice, if this Court issues direction to the Trial Court to expedite the trial and complete the same as early as possible. He further submitted that the appearance of the petitioner before the Trial Court may be dispensed with.

8.In view of the above, this Court directs the learned Judicial Magistrate I, Poonamallee. to expedite the trial in C.C.No.216 of 2009 and complete the same, as expeditiously as possible. The appearance of the petitioner before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioner for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.

9.With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petition in Crl.M.P.No.1402/2018 is closed and Crl.M.P.No.2403/2018 is ordered.

28.06.2021

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

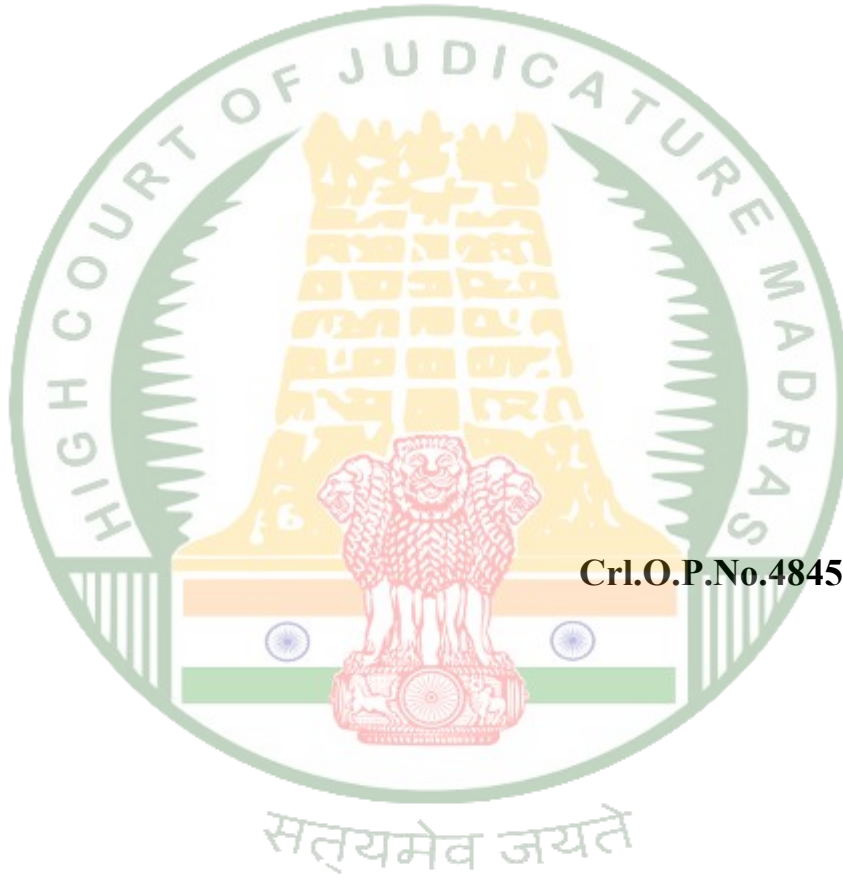
1.The Inspector of Police,
T-15, SRMC Police Station,
Chennai.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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M.DHANDAPANI,J.
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