

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.3973 of 2018  
and Crl.M.P.Nos.1837 and 1838 of 2018

1.K.Shankugeswara Rao  
2.Mr.Venkata Ravi @ Ravi ...Petitioners

Versus

1.State rep.by  
Inspector of Police,  
H-8, Thiruvottriyur Police Station,  
Chennai 600 019.  
Crime No.8 of 2017.

2.Rajendran ...Respondents  
(R2 is impleaded vide order dated 11.02.2019 made in  
Crl.M.P.No.2250/2019.)

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.NO.418 of 2017 now pending trial on the file of the Judicial Magistrate, Tiruvottriyur and quash the final report dated 10.05.2017.

For Petitioners : Mr.Anand Gopal for M/s.T.S.Gopalan&Co

For RR1 : Mr.C.E.Pratap  
Government Advocate (Crl.Side)

ORDER

The petitioners have filed this petition seeking to call for the records in C.C.No.418 of 2017, now pending trial on the file of the Judicial Magistrate, Tiruvottriyur and quash the final report dated 10.05.2017.

2. The learned counsel appearing for the petitioner submitted that though the matter was compromised between the parties, this Court may permit the petitioner to let in evidence of P.W.1, as to whether he is inclined to proceed with the case or not.

3. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

4.It is now represented by the learned counsel appearing for the petitioners 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 would further submit that the appearance of the petitioner before the Trial Court may be dispensed with.

5.In view of the above, this Court directs the learned Judicial Magistrate, Tiruvottriyur, to expedite the trial in C.C.No.418 of 2017 and complete the same, within a period of six months from the date of receipt of a copy of this order. 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.

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M.DHANDAPANI,J.  
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6.With the above directions, these criminal original petitions are disposed of. Consequently, connected miscellaneous petitions, if any, are closed.

13.07.2021

Index : Yes/No  
Internet: Yes/No

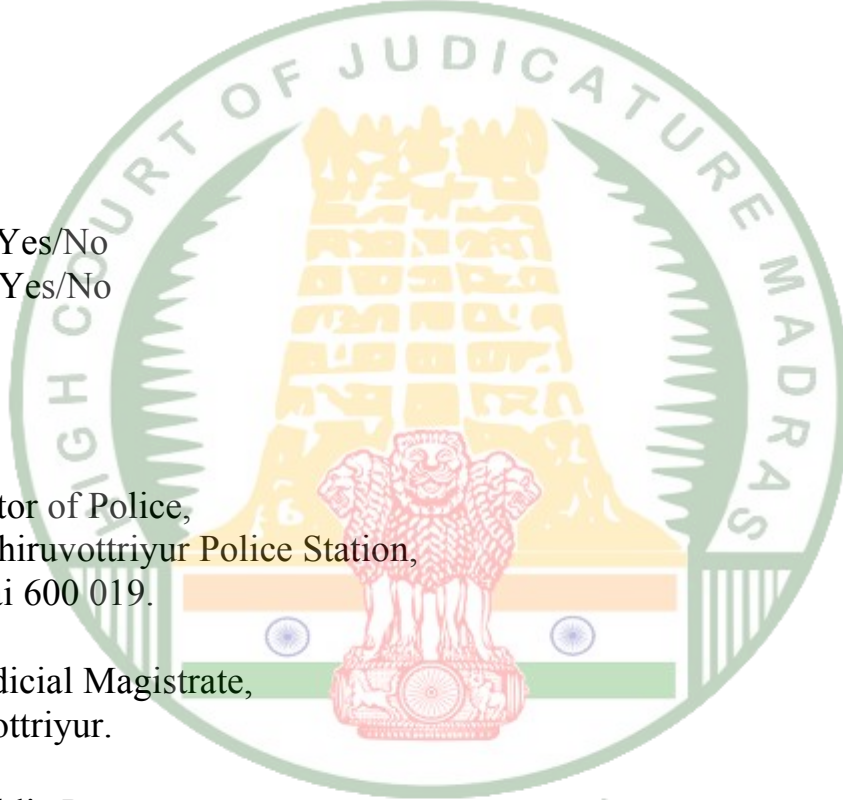
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To

1. Inspector of Police,  
H-8, Thiruvottriyur Police Station,  
Chennai 600 019.

2.The Judicial Magistrate,  
Thiruvottriyur.

2.The Public Prosecutor,  
Madras High Court.



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