

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

WP No. 5661 of 2021

Gopinathan

... Petitioner

vs.

1. The State of Tamil Nadu
Rep. By its Secretary to the Government,
Public (L & O.H) Department
Fort St. George, Chennai 600 009.
2. The District Collector,
Vellore District,
Vellore 9.
3. The Public Prosecutor,
Vellore District,
Vellore.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 22.10.2020 and withdraw the prosecution of the petitioner in S.C.No.69 of 2008 on the file of the learned District and Sessions Judge, Vellore District at Vellore within a reasonable time.

For Petitioner : Mr.JR.Robers

For Respondents : Mr.C.Raghavan
Government Advocate, (Crl. Side)

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O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent to consider the representation made by the petitioner on 22.10.2020 wherein the petitioner has sought for withdrawal of the prosecution that is pending against the petitioner in SC No.69 of 2008 on the file of the learned District and Sessions Judge, Vellore District at Vellore.

2. It is seen from records that a complaint was filed before the Court below for the offence of defamation in the year 2008. As early as in the year 2014, the second respondent has already recommended for the withdrawal of prosecution by proceedings dated 05.03.2014. The grievance of the petitioner is that the same has not been acted upon and till date the proceedings have been kept pending unnecessarily without any progress. Left with no other option, the present Writ Petition has been filed before this Court.

3. Heard Mr.JR.Robers, learned counsel appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl. Side) appearing for the respondents.

4. Taking into consideration the facts and circumstances of the case and also of the fact that it is the case of defamation wherein the complaint was given as early as in the year 2008 and the withdrawal of prosecution was recommended in the year 2014, no useful purpose will be served in keeping the proceedings pending at this length of time.

5. In view of the above, the proceedings in SC No.69 of 2008 on the file of the learned District and Sessions Judge, Vellore District at Vellore, is hereby quashed and this Writ Petition is accordingly allowed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jv

To

1. The District and Sessions Judge,
Vellore District,
Vellore.

2. The Secretary to the Government,
Government of Tamil Nadu
Public (L &O.H) Department
Fort St. George,
Chennai 600 009.

3. The District Collector,
Vellore District,
Vellore 9.

4. The Public Prosecutor,
Vellore District,
Vellore.
5. The Public Prosecutor,
High Court of Madras,
Chennai.

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SKY (CO)
CSR 31.03.2021



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