

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.7312 of 2021

Manimaran

...Petitioner/Sole Accused

-Vs-

1.State rep by
The Inspector of Police
All Women Police Station
Sethiathopu, Cuddalore District.
(Crime No.1 of 2011)

2.S.Rajalakshmi ... Respondents/Complainants

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the charges and proceedings in C.C.No.103 of 2013 against Crime No.1 of 2011, pending on the file of the Hon'ble District Munsif cum Judicial Magistrate at Kattumanarkoil, Cuddalore District, and quash the same.

For petitioner : Mr.B.Gandhi

For respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the charges and proceedings in C.C.No.103 of 2013 against Crime No.1 of 2011, pending on the file of the Hon'ble District Munsif cum Judicial Magistrate at Kattumanarkoil, Cuddalore District, and quash the same.

2.The petitioner is an accused in C.C.No.103 of 2013 for the offence under Section 417 IPC and r/w 4 of the Tamil Nadu Prohibition of the Women Harassment Act-2002.

3.The contention of the petitioner is that for the past one year trial has not been commenced and the petitioner has been facing harassment. He further submit that the defacto complainant admits that she has already been married; got a child and she is living separately from her husband. The petitioner herein has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the 1st respondent would submit that after investigation, charge sheet has been filed. Witnesses have been examined and the trial has progressed. On 09.03.2017, prosecution side

witnesses have been closed. In the meantime, the petitioner has filed a petition under Section 317 Cr.P.C., and it is posted for arguments before the trial Court on 26.04.2021. Further, he would submit that the respondent police taking all steps to complete the trial as early as possible.

5.It is seen from the records that prosecution side evidence has been completed and closed. Now the case stands posted for defence side witnesses, if any. Till today, the case has been adjourned at the instance of the petitioner for one reason or the other and successfully protracting the case.

6.Considering the above submissions and the case is of the year 2011, C.C.Number is of the year 2013, prosecution side evidence has been closed as early as in the year 2018 itself and it is pending for defence side witnesses for the past three years, this Court is inclined to direct the trial Court to complete the trial.

7.Accordingly, the District Munsif cum Judicial Magistrate at Kattumanarkoil, Cuddalore District, is directed to complete the trial within a period of one month from the date of receipt of a copy of this order. If the petitioner adopts dilatory tactics, the respondent police are at liberty to take the petitioner on custody and complete the trial. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Munsif cum Judicial Magistrate,
Court of Kattumanargudi,
Cuddalore District.

2.The Inspector of Police
All Women Police Station
Sethiathopu
Cuddalore District.

3.The Public Prosecutor
High Court of Madras.

Cr1.O.P.No.7312 of 2017