

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8033 of 2021 and
Crl.M.P.Nos.5272 & 5273 of 2021

A.Sarathkumar

... Petitioner

Versus

1.State rep by
Inspector of Police,
V-7, Nolambur Police Station,
Chennai.
Crime No.83 of 2018.

2.Rejinabegam

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the Charge sheet in C.C.No.77 of 2018 pending trail on the file of learned Judicial Magistrate, Ambattur and Chennai and quash the same.

For Petitioner : Mr.N.Premalatha

For R1 : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.77 of 2018 pending on the file of the Judicial Magistrate Court, Ambattur.

2.The learned counsel for the petitioner submitted that there is no witness has been spoken about the allegation as alleged by the prosecution to prove the charge against the petitioner. The ingredients to constitute the offence under Sections 354(A) IPC r/w 4 of Tamil Nadu Prohibition of Women Harassment Act is found missing and petitioner cannot be made to stand for trail. He further submitted that the case has been pending without any progress for the past five years and the petitioner has been appearing before the trial Court regularly.

The 2nd respondent is not available and her whereabouts is not known. Hence, there is a delay in trial.

3.The learned Additional Public Prosecutor appearing for the 1st respondent submitted that there are totally nine witnesses and the trial can be completed within a period of three months. He further submitted that whereabouts of the 2nd respondent is not known and steps would be taken for the same.

4.This Court has carefully considered the submission made on either side and also perused the materials placed on record.

5.The grounds that have been raised by the learned counsel for the petitioner is purely factual in nature and this Court cannot go into the same in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise these grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

6.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate Court,
Ambattur.

2.The Inspector of Police,
V-7, Nolambur Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.8033 of 2021

RSV(CO)
CB(13/07/2021)