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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12890 of 2021

P.Muthulakshmi ... Petitioner/Defacto Complainant

Versus

The State Rep. By,
The Inspector of Police,
AWPS - Perambalur,
Perambalur District. ... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to expedite the trial in Spl.S.C.No.65 of 2019 on the file of the Mahila Court, Perambalur.

For Petitioner : Mr.A.Ramesh

For Respondent : Mr.A.Damodaran,
Government Advocate (Crl.side)

ORDER

The petitioner is the de-facto complainant, who had lodged a complaint against one Nagarajan, and a case in Crime No.15 of 2019 was registered for the offence under Section 506(i) of IPC., and Section 7 & 8 of the Protection of Children from Sexual Offences, Act, 2012 (in short "POCSO Act").

2.The gist of the case is that the de-facto complainant is an estranged wife of one Nagarajan, who is the accused in this case. The allegation in the complaint is that the de-facto complainant and her daughter are living separately at Rose Nagar, Perambalur and her daughter is aged about 16 years, studying Eleventh Standard. On 24.01.2019, her estranged husband said to have come to the house and forcibly touched her daughter, which according to the petitioner is an improper and bad touch, hence, the above said complaint came to be lodged. Thereafter, charge sheet has been filed on 05.10.2019 and the same was taken on file in Spl. S.C. No.65 of 2019 before the Mahila Court, Perambalur. Now, the present petition is filed for seeking a direction to expedite the trial in Spl.S.C.No.65 of 2019.



3.The contention of the petitioner is that the trial is being unnecessarily delayed before the Trial Court and further, she alleged that her estranged husband is still threatening her.

4.The learned Government Advocate (crl.side) appearing for the respondent has submitted that in this case, totally there are 15 listed witnesses, out of which, LW.1 to LW.14 have already been examined and Exs.P1 to P14 have been marked. Today (i.e., 28.07.2021), the case is posted for examination of the Investigation Officer LW.15. The case has been diligently prosecuted and, as and when witnesses were produced, they were examined. After the restrictions initiated due to the pandemic situation on 24.03.2020, the Courts are functioning with restrictions and thereafter, it had been relaxed only during the month of October, 2020 and the same had been extended upto 31st December,2020. Again due to the second wave of pandemic situation, the Lower Courts have closed. Now, the Courts have resumed regular functioning from 19.07.2021. Immediately after resuming, the witnesses were examined and there is no delay in trial as alleged by the petitioner herein. Further, he submitted that the Lower Court is proceeding with the trial as on date. There is no petition or representation from the de-facto complainant about any threat or disturbance caused by the accused. As and when any representation given or any petition filed before the Trial Court, the prosecution would take appropriate action, as per law.

5.Considering the submissions made by the learned Government Advocate (crl.side) that the case in Spl.S.C.No.65 of 2019 is listed for examination of the Investigation Officer /LW.15, today, it found there is no delay on the part of the prosecution in conducting the trial. In view of the same, this Court is not inclined to entertain this petition. Accordingly, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
AWPS - Perambalur,
Perambalur District.



2.The Public Prosecutor,
High Court, Madras.

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RR (CO)
PR (19/08/2021)