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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.09.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.4147 of 2017
and CrI.M.P.No.3086 & 3087 of 2017

1.G.Kuppusamy

2.Ulaganathan

3.Chandran

4.M.Nehru

5.Murugan

6.Rajamani

7.M.Arasu

8.M.Palani .. Petitioners/A-4, 8, 14, 16, 27, 29, 33, 34

Vs

1.The State rep by
Inspector of Police,
Morappur Police Station,
Dharmapuri District.
Crime No.228 of 1990.

.. Respondent/Defacto Complainant

2.V.Singaravelu

.. Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to P.R.C.No.15 of 1990 on the file of the learned Judicial Magistrate, Harur and quash the same.



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For Petitioner .. Mr.J.Bharathiraja
For R1 .. Mr.E.Raj Thilak
Additional Public Prosecutor
For R2 .. No appearance

ORDER

This petition has been filed by A4, A8, A14, A16, A27, A29, A33, A34 in P.R.C.No.15 of 1990, on the file of the learned Judicial Magistrate, Harur, which related to Crime No.228 of 1990, on the file of the respondent Police, namely, Inspector of Police, Morappur Police Station in Dharmapuri District.

2. The present petition has been filed stating that the aforesaid crime number related to an incident which occurred in the year 1990 and that there is every possibility that the Government would have withdrawn the case. It has been stated that issuing summons, after a period of nearly thirty years, would only be an act of oppression and the petitioners herein would have to undergo the ordeal of appearing before the Court, where the case is committed. It has been stated that nothing, actually, survives for adjudication.

3. The petition came up for consideration before a learned Single Judge of this Court on 24.07.2020, who had called for a report from the learned Chief Judicial Magistrate, Krishnagiri. However, a perusal of the records shows that such a report had not been forwarded. But, let me not keep pending the present petition before this Court, but, rather dismiss the same and give a direction to the learned Judicial Magistrate, Harur to proceed further with the committal proceedings and commit P.R.C.No.15 of 1990 to the learned Sessions Court and such procedure should be completed on or before 28.02.2022.

4. I am giving more than sufficient time for the learned Judicial Magistrate to complete the procedure. In this connection, let prosecution also assist the learned Judicial Magistrate, Harur, by informing whether, as a fact, the Government had withdrawn the cases as against not only the present petitioners/accused, but also the other accused.



5. With the above said observation, the present Criminal Original Petition is dismissed. I would also give liberty not only to the present petitioners/accused, but also to the other accused that they can take up any issue in law, as available to them, on committal before the Sessions Court, at the time when the charges are framed.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

grs/kbs

To

1.The Judicial Magistrate,
Harur.

2.-do- through The Chief Judicial Magistrate, Dharmapuri.

3.The Inspector of Police,
Morappur Police Station,
Dharmapuri District.

Copy to
The Public Prosecutor, High Court, Madras.

+1CC to M/s.J.Bharathiraja, Advocate, SR.No. 49411

Cr1.O.P.No.4147 of 2017 and
Cr1.M.P.No.3086 & 3087 of 2017

RSV(CO)
B.VC (20/10/2021)