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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO. 8210 OF 2017

AND

CRL.M.P.NO. 5903 OF 2017

Kubendiran

. . . Petitioner/
Accused

Versus

State represented by Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
Crime No.6 of 2017

. . . Respondent/
Complainant

PRAYER :

Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records in PRC.No.11 of 2017 on the file of
Judicial Magistrate, Thirukoilur and quash the final report
filed against the petitioner.

For Petitioner : Mr.K.Selvarangan

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the
final report in P.R.C.No.11 of 2017 on the file of Judicial
Magistrate, Thirukoilur, filed as against the sole accused for
the offences under Sections 294(b) and 302 I.P.C.

2.The main contention of the learned counsel appearing for
the petitioner herein is that, in the copy of Accident Register,
there is no whisper about the accused and the eye-witness has
been introduced later and the death is not due to homicidal
violence and it was only accidental. Therefore, the entire final
report has to be quashed.



3. Heard the learned counsel on either side and perused the materials available on record.

4. At the very outset, this Court is of the view that, filing of these type of petitions to quash the proceedings when the investigation has already been completed and materials have been unearthed by the prosecution against the accused, is nothing but an abuse of process of law. Filing of such petitions and delaying the trial is one another mode of tactics being practiced nowadays. After serious charges have been investigated and final report has been filed, now a tendency has been developed in the certain sections of the legal practitioners that an application can be filed under Section 482 Cr.P.C. and the trial could be delayed for years together. Therefore this Court is of the view that, if such petitions are entertained, the very Criminal Justice System will be collapsed, which is already in the same process. Therefore, the Court cannot be a party to that.

5. The allegation that the death was not due to homicidal violence, but was only accidental, has to be decided only after a full fledged trial. It requires proof and evidence. At the drop of a hat, it cannot be decided by this Court by exercising its jurisdiction under Section 482 Cr.P.C.

6. The learned Judicial Magistrate is directed to commit the case on merits to the concerned Principal District and Sessions Court, expeditiously, not later than a period of three (3) months from the date of receipt of a copy of this order. On such committal, the learned Sessions Judge shall conclude the trial within a period of Six (6) months thereafter.

7. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

psa/mkn



To

1. The Judicial Magistrate,
Thirukoilur.
2. The Chief Judicial Magistrate,
Villupuram.
3. The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
4. The Public Prosecutor,
High Court of Madras.

Copy To

The Principal District and Sessions Judge,
Villupuram.

Crl. O.P. No. 8210 of 2017

GJ(CO)
PM/07/12/2021