



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.8.2021

CORAM

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

CrI.O.P.No.27700 of 2017

and

CrI.M.P.Nos.15793 & 15794 of 2017

Vigneshwaram

.. Petitioner

vs.

1. The State
Represented by the Inspector of Police,
W4, All Women Police Station,
Kilpauk, Chennai - 600030.

2. S. Kokila
(Impleaded as per orders in
CrI.M.P.No.4299 of 2021
dated 19.04.2021)

.. Respondents

Criminal Original Petition filed under Sec.482 of Cr.P.C.,
to call for the records relating to S.C.No.230 of 2017 on the
file of the XXIX Sessions Judge, Magalir Neethimandram, City
Civil Court, Chennai-600104 and quash the same.

For Petitioner : Mr.K.Sakthivel

For R1 : Mr.E.Raj Thilak
Government Advocate (Criminal Side)

For R2 : Mr.P.Murugavel

ORDER

The petition has been filed by the Accused in Sessions Case
No.230 of 2017 now pending on the file of the XXIX Sessions
Court/Mahalir Neethimandram, Chennai.

2. The said Sessions Case was filed based on the complaint
given by the second respondent herein and subsequent to
investigation, a final report had been filed by the first
respondent police under Section 328, 376 and 417 IPC.

3. It appears that the petitioner herein/accused and the



second respondent/de facto complainant have entered into a memo of compromise and the same was also presented before my learned predecessor and on the directions of this court, the de facto complainant had also made a visit to the W4 All Women Police Station, Kilpauk, Chennai and also gave a statement there that she had accepted the compromise and the amicable settlement which she had entered with the petitioner/accused.

4. The learned counsel for the second respondent/de facto complainant placed reliance on a judgment of the Hon'ble Supreme Court in Crl.A.394-395 of 2021 (.... vs. State and another) dated 12.4.2021 wherein when a compromise had been effected even though the First Information Report was registered under Section 376 IPC, the Hon'ble Supreme Court had observed that nothing further survives in the First Information Report and quashed the same.

5. Unfortunately, in this case, a slight further development has taken place viz., subsequent investigation and recording of statement of witnesses and final report being filed by the first respondent and the learned Judge taking cognizance of the Report as S.C.No.230 of 2017. I have been informed that charges have not yet been framed.

6. Therefore, it would only be appropriate that the following directions are issued to the Trial Court:-

(i) On receipt of a copy of this order and within a week of the hearing of the case, the court may frame necessary charges as against the accused.

(ii) Thereafter, the learned Judge may fix a date for commencement of trial and it may be concluded within a period of 3 weeks from its commencement

(iii) The evidence may be recorded on a day to day basis.

(iv) Based on the evidence recorded, the learned Judge may conclude the trial and render judgment within a period of 1 week thereafter. The entire case may therefore, be concluded within the aforesaid time limit.

7. Since the trial court is directed as above, the present petition does not survive and accordingly, the same is dismissed. The connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



ssk.

To

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1. XXIX Sessions Judge,
Magalir Neethimandram,
City Civil Court,
Chennai-600104
2. Inspector of Police,
W4, All Women Police Station,
Kilpauk, Chennai - 600030.
3. The Public Prosecutor
High Court Madras.

Crl.O.P.No.27700 of 2017
and
Crl.M.P.Nos.15793 & 15794 of 2017

SMI (CO)
CT(17/09/2021)