

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.11215 of 2022 &
Crl.M.P.Nos.6440 & 6442 of 2022

D.Muralidharan

... Petitioner

Vs.

1. State Rep. by The Inspector of Police,
All Women Police Station,
Villivakkam, Chennai - 600 049.
[Crime No.1324 of 2004]

2. Sumathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the C.C.No.12426 of 2005 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor - R1

O R D E R

This Criminal Original Petition has been filed to quash the case in C.C.No.12426 of 2005 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai for the offences under sections 406, 417 and 420 of IPC and Section 4 of Dowry Prohibition Act.

2. The criminal proceedings against the petitioner has been sought to be quashed mainly on the ground that P.W.1 did not appear for cross examination and warrant has also been issued by the trial Court. However, the whereabouts of P.W.1 are not known and could not be produced before the trial Court and the matter is pending from the year 2012 for cross examination of P.W.1. Hence, submitted that as the case is pending for a long period, it violates the fundamental rights of the accused and seeks to quash the final report filed as against the accused.

3. At the outset, this Court is unable to appreciate the submissions of the learned counsel appearing for the petitioner and the final report cannot be quashed on the ground of non appearance of the witness for cross examination.

4. Accordingly, this Criminal Original Petition is dismissed with a direction to the trial Court below to expedite the trial and dispose of the case within a period of two months from the date of receipt of a copy of this Court. If P.W.1 is not produced, the learned Chief Metropolitan Magistrate shall proceed further by taking coercive measures and dispose of the case on its own merits. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
All Women Police Station,
Villivakkam, Chennai - 600 049.
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.11215 of 2022

SR-II(CO)
SB(18/07/2022)