



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL O.P.NO.8436 OF 2019

1. Kuppusamy
2. Madhu
3. Rajesh @ Mahadevan
4. Ayyau
5. Rangasamy
6. Rajendran
7. Mayilsamy
8. Raghupathy @ Ragunathan
9. Irusappan
10. Dhevu @ Thiyagu
11. Murugan
12. Mahendran

... Petitioners/Accused 1 to 12

Vs.

1. The State Rep. by
Inspector of Police,
Kolathur Police Station,
Mettur Taluk,
Salem District.

2. Murugan

... Respondents/
Complainant & Defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the entire records in S.C.No.4 of 2019 on the file of the Additional District (Fast Track Court) at Mettur, Salem District and quash the same as clear abuse process of law.

For Petitioners : Mr.P.Thangavel

For Respondents : Mr.R.Vinothraja for R1
Government Advocate (Crl.Side)



ORDER

The Petition has been filed to call for the entire records in S.C.No.4 of 2019 on the file of the Additional District (Fast Track Court) at Mettur, Salem District and quash the same as clear abuse of process of law.

2. When the case is taken up for hearing, the learned Counsel for the Petitioners seeks adjournment on the ground that there had been clashes between two groups at the time of Arulmighu Kottai Periya Mariamman Temple festival at Mettur. Therefore, there had been complaint and counter complaint. From perusal of the records, it is found that the case had been committed to the Court of the Sessions in S.C.No. 4 of 2019 and it is pending on the file of the learned Additional Sessions Court (Fast Track Court) at Mettur.

3.The learned Government Advocate (Criminal Side) submits that because of the pendency of this Criminal Original Petition, the Trial could not proceed. No stay has been granted. If the submission of the learned Counsel for the Petitioners is to be accepted, there is a case and in counter case only one party appeared before this Court. Even otherwise the Sessions Case cannot be stalled on the pretext of this Criminal Original Petition to quash the final report. The Petitioners herein, who are arrayed as Accused before the learned Sessions Judge (Fast Track Court), Mettur had succeeded in protracting and delaying trial for almost 3 years. That cannot be appreciated. Whatever is submitted by the learned Counsel for the Petitioners can at best be considered as valuable defence available for the Petitioners herein as the accused before the Court of the learned Sessions Judge. At this stage, this is not a fit case to quash the final report. Hence the Criminal Original Petition is dismissed as having no merits.

4. The learned Sessions Judge, Mettur, is directed to proceed with the Sessions Case and dispose of the case within a period of three months from the date of uploading of this order on the web-site of this High Court or on the date of receipt of a copy of this order, whichever is earlier.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Lpp



To

1. The Additional District Judge,
Fast Track Court,
Mettur, Salem District.
2. The Inspector of Police,
Kolathur Police Station,
Mettur Taluk,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.8436 of 2019

AJS (CO)
RLP (20/05/2022)