



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NO.8142 OF 2019

AND

CRL.M.P.NO.4394 OF 2019

V.Gowthaman

... Petitioner

Vs.

The State, rep.by its
Inspector of Police
Sendurai Police Station
Ariyalur District.

... Respondent

PRAYER:

Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying to call for the records culminated in C.C.No.13 of 2018 on the file of the Judicial Magistrate No.II, Ariyalur, and quash the same.

For Petitioner : No appearance

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This petition had been filed to call for the records culminated in C.C.No.13 of 2018 on the file of the Judicial Magistrate No.II, Ariyalur, and quash the same.

2. When the case came up for hearing, there was no representation for the Petitioner. Even though, the cause-list mentioned the names of seven Advocates as Counsels for the Petitioner, none appeared for him. Therefore, the case was passed over in post lunch session. When the case was again taken up for hearing by 3.30 p.m., there was no representation



for the Petitioner.

3. The learned Government Advocate (Crl.Side) would submit that this case was filed by the Petitioner to quash the charge sheet laid before the Court of the learned Judicial Magistrate No.II, Ariyalur, which was taken on file in C.C.No.13 of 2018, for the offence in the First Information Report under Sections 504, 505 (1) (b) 505 (2) 153A (1) (a) and 153A (1) (b) IPC. Further, on the date of admission, an interim stay was granted by this Court on 28.03.2019.

4. By approaching this Court, on receipt of summons before the Court of the Judicial Magistrate No.II, Ariyalur, the Accused herein had successfully delayed the trial for more than three years. Further, it is found that notice to the Defacto complainant was not taken.

5. It is to be noted that the Hon'ble Supreme Court in the judgment of State of Haryana and Ors. Vs. Ch.Bhajan Lal and Ors, reported in 1992 Supp (1) SCC 335: 1992 SCC (Cri) 426, has issued guidelines to the High Court for exercising the discretion under Section 482 of Cr.P.C., to prevent an abuse of process of law. However, the learned Counsel for the Petitioner has not appeared before this Court. Therefore, the Petitioner had succeeded in delaying the trial by abuse of process of the Court.

6. Hence, this Criminal Original Petition is dismissed and this petition seeking for quashing of the charge sheet in C.C.No.13 of 2018 before the learned Judicial Magistrate No.II, Ariyalur, cannot be entertained, as it is an abuse of process of law. The learned Judicial Magistrate No.II, Ariyalur is directed to proceed with the trial and complete the same within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

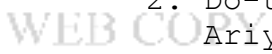
Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dna



1. The Judicial Magistrate No.II, Ariyalur.

3. The Inspector of Police
Sendurai Police Station
Ariyalur District.

Cr1.O.P.No.8142 of 2019
and
Cr1.M.P.No.4394 of 2019

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