

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.15049 OF 2022 & CRL.M.P.NOS.8419 & 8422 OF 2022

A.Prasanth ...Petitioner / Accused

Vs.

1.State Rep. by The Inspector of Police,
Kottucherry Police Station,
Karaikal District. ...Respondent / Complainant
[Crime No.0014 of 2022]

2.Mala ...Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records connected with the criminal proceedings in S.T.C.No.61 of 2022 on the file of the learned Judicial Magistrate No.II, Karaikal and quash the same.

For Petitioner : Mr.R.Sendhil Kumar

For Respondents : Mr.V.Balamuragane,
Public Prosecutor [Pondy] - R1

O R D E R

This Criminal Original Petition has been filed to quash the case in S.T.C.No.61 of 2022 on the file of the learned Judicial Magistrate No.II, Karaikal for the offence under section 323 of IPC and 190 [1] [b] of Cr.P.C.

2. The main contention of the petitioner is that there is a delay in lodging the First Information Report and the present complaint has been registered only as a counter to the complaint preferred by the petitioner and hence, seeks to quash the charge sheet filed against him.

3. The learned Additional Public Prosecutor appearing for the respondents submitted that there are prima facie materials against the petitioner and witnesses have spoken about the role played by the petitioner in the commission of the offence and hence, prayed to dismiss this petition.

4. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the first respondent.

5. Admittedly, there is a case in counter. Mere delay in lodging the First Information Report is not a ground to quash the charge sheet. It is for appreciation of evidence by the trial Court. Since, in both the cases, final reports have been filed before the Judicial Magistrate No.II, Karaikal, the learned Magistrate is directed to conduct separate trials and dispose of both cases one by one simultaneously and not influenced by the evidence of other case and each case to be disposed of on its own merits.

6. With, the above observations, this Criminal Original Petition is dismissed with a direction to the Court below to expedite the trial in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

vrc

To,

1.The Judicial Magistrate No.II,
Karaikkal.

2.The Inspector of Police,
Kottucherry Police Station,
Karaikal District.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Sendhilkumar, Advocate Sr.No.42196

Crl.O.P. No.15049 of 2022

CA(CO)

RVM(20/07/2022)