



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.22789 of 2019

and

Crl.M.P.No.11873, 15648 and 15650 of 2019

1. Mr. M.Mohamed Ali

2. Mr. S.Abdul Khader

... Petitioners

Vs.

Mrs. M.M.Sajitha Fathima

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records in C.C.No.681/2018 pending on the file of the learned Judicial Magistrate, Alandur and to quash the same as illegal, abuse of law and without jurisdiction.

For Petitioners : Mr.I.Abdul Basith

For Respondent : Mr.Raja Mohamed

ORDER

This Petition has been filed to call for the records in C.C.No.681 of 2018 pending on the file of the learned Judicial Magistrate, Alandur and to quash the same as illegal, abuse of law and without jurisdiction.

2.When the case came up for hearing, the learned Counsel for the Petitioner submitted that as per his instructions, the complaint against which this Criminal Original Petition had been filed, viz., C.C.No.681 of 2018 had been dismissed for absence of Complainant and he furnished the case status by downloading from the Internet.

3.The learned Counsel for the Respondent vehemently objects to the same stating that there had been an interim stay, not to proceed with the Trial of the case. As per the case status, the case had been dismissed for non appearance of the complainant.



He further stated that at the time of admission in the year 2019 in this CrI.O.P.No. 22789 of 2019, order of interim stay and exemption from appearance was granted by this Court to the Accused. Therefore, the dismissal of the complaint by the learned Judicial Magistrate, Fast Track Court, Alandur, is unwarranted.

4. Based on the case status furnished by the learned Counsel for the Petitioner, this Court exercising powers under Section 482 of Cr.P.C., on the basis of this submission of the learned Counsel for the Respondent/Complainant, directs the learned Judicial Magistrate, Fast Track Court, Alandur, to restore the C.C No. 681 of 2018 on his file, proceed with the trial and dispose of the case within a period of three months from the date of uploading of the order on the website of the high Court or on receipt of the copy of this order by the learned Judicial Magistrate, Fast Track Court Alandur.

5. In the result, this Criminal Original Petition is dismissed with the above direction. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate Court,
Fast Tract Court, Alandur.

2. The Public Prosecutor
High Court, Madras.

+3ccs to Mr.I.Abdul Basith, Advocate SR. No.30782

+2ccs to Mr.A.Raja Mohamed, Advocate SR. No. 30152

CrI.O.P.No.22789 of 2019
and

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RSV (CO)

PR (19/05/2022)