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Crl.O.P.No.24639 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.24639 of 2022

- 1.Nalini
- 2.Jai Santhosh
3. Srinivasan
4. Damodaran
5. S.K.Paramasivam
6. Radhamani

...Petitioners

/vs/

- 1.State by
The Inspector of Police,
Sathyamangalam Police Station,
Sathyamangalam,
Erode District.
(Crime No.393 of 2015)

2. Sathyamoorthy

... Respondents

Prayer : The Criminal Original Petition has been filed under Section 482 Cr.P.C. to call for the records in STC.No.1250 of 2015 on the file of the Judicial Magistrate, Sathyamangalam and quash the same.

For Petitioners

... Mr.S.Kamadevan

For Respondents

... Mr.S.Santhosh for R1
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for the records in STC.No.1250 of 2015, on the file of the Judicial Magistrate, Sathyamangalam and quash the same.

2. The learned counsel for the petitioners has submitted that a case has been registered against the petitioners in Cr.No.393 of 2015 for the offences punishable under Section 160 of IPC on a complaint given by Sub-Inspector of Police and after investigation, the respondent police filed a final report before the Judicial Magistrate, Sathyamangalam and the same was taken on file as STC.No.1250 of 2015 which is pending without any progress. In view of the Apex Court decision in ***“Common cause” Registered Society through its Registrar Vs. Union of India and Others***, reported in ***AIR 1996 SC 1619*** the offence punishable under Section 160 of IPC attracts punishment up to one month imprisonment or with fine which may extend upto Rs.200/- or both. The Apex Court has observed in paragraph No.2 (e) of the aforesaid judgment as follows:



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“Where the cases pending in criminal courts under I.P.C. or any other law for the time being in force are punishable with imprisonment upto one year; with or without fine, and if such pendency is for more than one year and if in such cases trials have still not commenced, the criminal court shall discharge or acquit the accused, as the case may be, and close such cases.”

3. The learned Government Advocate (CrI.Side) has submitted that the petitioners can very much approach the trial court instead of invoking Section 482 Cr.P.C for quashing the criminal proceedings. Because of delay of the commencement of trial, no criminal proceedings can be quashed without strong reason. Therefore, he pleaded for dismissal of this case.

4. I have considered the submission of the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side) appearing for the first respondent police.

5. A perusal of the records reveals the fact that the petitioners are accused in STC.No.1250 of 2015 on the file of the Judicial Magistrate, Sathyamangalam. The petitioners are charged for the offence punishable



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under Section 160 of IPC and hence, it attracts the punishment up to one month imprisonment or with fine which may extend upto Rs.200/- or both.

In view of the Supreme Court decision as stated above, if any criminal case pending in criminal courts under I.P.C. or any other law for the time being in force are punishable with imprisonment upto one year, with or without fine, and if such pendency is for more than one year and if in such cases, trials have still not commenced, the criminal court shall discharge or acquit the accused, as the case may be, and close such cases.

6. I find no circumstance to exercise extraordinary power for invoking Section 482 to quash the criminal proceedings since there is a remedy available before the criminal court itself by relying upon the Judgment of the Hon'ble Supreme Court as cited supra. The petitioners may get appropriate order from the trial court itself. Therefore, I find no merit in this petition and the same is liable to be dismissed.

7. In the result, this Criminal Original Petition is dismissed with liberty to the petitioners to approach the trial court to file appropriate



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application for getting legal remedy. Consequently, connected

miscellaneous petition is closed.

Index : Yes/No

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Internet : Yes/No

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V.SIVAGNANAM ,J.

gv

To

1. The Inspector of Police,
Sathyamangalam Police Station,
Sathyamangalam,
Erode District.
(Crime No.393 of 2015)
- 2.The Public Prosecutor,
High Court, Madras.

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