

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25964 of 2021

Lopamudra Dheeraja

...Petitioner

Vs.

State Rep.by
Inspector of Police,
AWPS-GUINDY Police Station,
Guindy, Chennai.
(Crime No.6 of 2019)

...Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the learned IV Metropolitan Magistrate Judge, Saidapet to split up the case on its file in C.C.No.885 of 2021 and expedite the trial within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.M.Govindaraju

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to direct the learned IV Metropolitan Magistrate Judge, Saidapet to split up the case on its file in C.C.No.885 of 2021 and expedite the trial within a time frame fixed by this Hon'ble Court.

2.The petitioner, who is the complainant in Crime No.6 of 2019, has filed the above petition seeking to split up the case as against the first accused, who is her estranged husband in C.C.No.885 of 2021, since the first accused /her husband, in this case, is refusing to receive the summons due to which, the case has been kept pending.

3.The learned Additional Public Prosecutor appearing for the respondent submits that on the complaint of the petitioner dated 01.11.2019, a case in crime No.6 of 2019 for offences under Sections 498(A), 406, 323 IPC and Section 4 of the Dowry Prohibition Act, 1961 has been registered. On completion of

investigation, charge sheet filed listing LW1 to LW12 and documents. In this case, there are totally three accused. A1 is the petitioner's estranged husband, A2 & A3 are her in-laws. The case has been taken on file in C.C.No.885 of 2021, it was posted for serving of summons to A1 and the next hearing date is on 10.01.2022. He further submits that all earnest steps had been taken to serve the summons to the first accused following the guideline issued by the apex Court. In view of the same, the filing of the above petition is unwarranted and sought dismissal of the same and further submits that A1 in this case is not so far arrested.

4.The Apex Court recently in the case in Special leave to Appeal (Crl.) No.5191 of 2021 (Satender Kumar Antil Vs.Central Bureau of Investigation & Anr) has held how summons to be served and the presence of the accused to be ensured. The trial Court is remind of the same and to take appropriate steps. Accordingly, the criminal original petition is disposed of.

Sd/-
Assistant Registrar(CS-I)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Inspector of Police,
AWPS-GUINDY Police Station,
Guindy,Chennai.
(Crime No.6 of 2019)
2. The learned IV Metropolitan Magistrate Judge,
Saidapet.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.M.Govindaraju, Advocate, S.R.No.177

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CP(CO)
RGA(22/02/2022)