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Crl.OP.No.31550 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31550 of 2022
& Crl.M.P.No.19303 of 2022

1.Ram Nath

2.Danraj

3.Sabarirasa

...Petitioners

Vs.

1.The Sub Inspector of Police,
Sooramangalam Police Station,
Salem City.

2.R.Baskeran

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C.,

a)to grant the stay all the further proceedings in C.C.No.303 of 2018 on the file of learned Judicial Magistrate II, Salem.

b)to call for the records in C.C.No.303 of 2018 on the file of learned Judicial Magistrate II, Salem and quash the same.

For Petitioners : Mr.S.Veeraraghavan



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For Respondents : Mr.S.Santhosh (For R1)
Government Advocate(Criminal side)

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ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.303 of 2018 on the file of the learned Judicial Magistrate II, Salem and quash the same.

2.The learned counsel for the petitioners submitted that petitioners are innocent. Blood and urine sample test had been done even without the consent of the petitioners. Though, the case is pending from 2018, not even a single witness was examined so far. On these grounds, the learned counsel for the petitioners prayed for quashing of this case.

3.The learned Government Advocate (Criminal side) submitted that the case is pending for examination of L.W.1-L.W.3.

4.First Information Report allegations and the final report shows that on 26.12.2015, when the defacto complainant was working as Manager of Vijayalakshmi Bus service and at about 10.p.m, the accused under the influence



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of alcohol, urinated in the bus shed. When that was questioned by the defacto complainant stating that there are women and elders nearby, the petitioners said to have scolded the defacto complainant in a filthy language and made death threat. Therefore, a case was registered. After investigation, finding that there is truth in the allegations made in the complaint, final report was filed for the offence under Section 294 (b) 506 (ii) r/w 4 (i) (j) of the TNP Act. Charges had also been framed and the matter is now pending for trial. In the light of the material available, this Court is of the considered view that there is no ground made out for quashing of the proceedings in C.C.No.303 of 2018 on the file of the learned Judicial Magistrate II, Salem. However, this case is pending from 2018 without even examining a single witness. Therefore, the learned trial Judge is directed to expedite the trial of the case by posting the case on a short date, dispose the case as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking / Non Speaking order

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G.CHANDRASEKHARAN,J.

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To

- 1.The Sub Inspector of Police,
Sooramangalam Police Station,
Salem City.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.

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