



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.OP(MD)No.4893 of 2019

and

Cr1.M.P(MD) Nos.3038, 3039 of 2019 and 4092 of 2021

S.Kumaresan ... Petitioner/ Sole Accused

-vs-

1. The State Represented by
The Inspector of Police,
Nesamani Nagar Police Station,
Nesamani Nagar,
Kanyakumari District.
(Crime No. 163 of 2018) ... 1st Respondent/Complainant

2. Lavanya ... 2nd Respondent /Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records in connection with C.C.No.521 of 2018, on the file of the Hon'ble Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari District in connection with Crime No.163 of 2018, on the file of the Inspector of Police, Nesamani Nagar Police Station, Nesamani Nagar, Kanyakumar District.

For Petitioner : Mr.S.Palani Velayutham

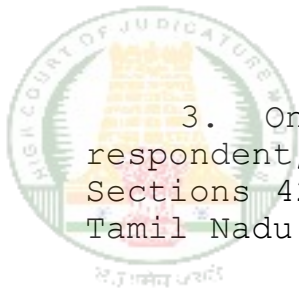
For R1 : Mr.M.Muthumanikkam
Government Advocate (Cr1 Side)

For R2 : Mr.T.Antony Arul Raj

ORDER

The above Criminal Original Petition has been filed seeking orders to call for the records in C.C.No.521 of 2018, pending on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari District and quash the same.

2. The petitioner is the sole accused in C.C.No. 521 of 2018, on the file of the Additional Mahila Court, (Magisterial Level), Nagercoil, Kanyakumari District.



3. On the basis of the complaint lodged by the second respondent, FIR came to be registered for the alleged offences under Sections 427, 294(b), 323 and 506(ii) of IPC and under Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

4. The first respondent, after completing the investigation, has laid the final report dated 13.10.2018 against the petitioner herein for the alleged offences under Sections 294(b), 323, 427, 506 (ii) of IPC and under Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and the case was taken on file in C.C.No.521 of 2018 and the same is pending before the Additional Mahila Court, (Magisterial Level), Nagercoil, Kanyakumari District.

5. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that since the petitioner is aged about 76 years, it would suffice, that the personal appearance of the petitioner may be dispensed with.

6. The learned counsel for the second respondent would submit that since the case is pending from the year 2019, the trial Court may be directed to dispose of the case within the time frame fixed by this Court.

7. Considering the aforesaid submission and also taking note of the limited prayer now sought for by both the parties, without expressing any opinion with regard to the merit of the case, this Court directs the learned Additional Mahila Court, (Magisterial Level) Nagercoil, Kanyakumari District to complete the trial and to dispose of the case as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. The appearance of the petitioner before the Court below shall be dispensed with and he is directed to appear at the time of examination of the eyewitness, questioning under Section 313 Cr.P.C and at the time of judgment and also for the hearings specifically directed by the trial Court.

8. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Judge, Additional Mahila Court,
(Magisterial Level), Nagercoil,
Kanyakumari District.
2. The Inspector of Police,
Nesamani Nagar Police Station,
Nesamani Nagar,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RK(10/02/2022) 3P 4C