



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.12133 of 2019

and

CrI.M.P.(MD)No.7624 of 2019

WEB COPY

1.V.Divakaran
2.Velusamy
3.Kanniammal
4.Renu @ Renuka

: Petitioners/A1 to A4

Vs.

1.The Inspector of Police,
Sengottai Taluk,
Incharge of All Women Police Station,
Tenkasi. Crime No.56 of 2013.

: Respondent No.1 /
Complainant

2.Mrs.Manimegalai

: Respondent No.2 /
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records pertaining to the impugned Charge Sheet in C.C.No.277 of 2015 on the file of the learned Judicial Magistrate, Sengottai for the offences under Sections 294(b), 406, 498 A, 506(i) IPC and Section 4 of Dowry Prohibition Act and quash the same.

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Muthu Manikkam,
Government Advocate (Criminal Side),
for R1.

: Mr.G.Karuppasamy Pandian, for R2.

O R D E R

The Criminal Original Petition has been filed, invoking Section 482 of Cr.P.C., seeking orders to call for the records in C.C.No.277 of 2015 pending on the file of the learned Judicial Magistrate Court, Sengottai and quash the same.

2. The petitioners are accused Nos.1 to 4 in C.C.No.277 of 2015 pending on the file of the learned Judicial Magistrate, Sengottai. The first petitioner is the wife of the second respondent/defacto



complainant. Pending the Criminal Original Petition, the second petitioner, who is the father of the first petitioner, has died.

3. When the matter was taken up on 08.12.2021, on hearing the learned counsel for the petitioners as well as the respondents, this Court has directed the Registry to get a report from the learned Judicial Magistrate, Sengottai, regarding the stage of the case in C.C.No.277 of 2015. In pursuance of the same, the learned Judicial Magistrate, Sengottai, has submitted a letter, dated 16.12.2021, stating that the defacto complainant/second respondent herein was examined as P.W.1 on 22.09.2021 and when the case was posted for examination of further witnesses, a petition under Section 311 Cr.P.C to re-call P.W.1 was filed by the accused and the same is pending.

4. When the matter is taken up for hearing today (i.e., 12.01.2022), the learned counsel for the second respondent would submit that the case is pending from 2015 onwards and that the trial Court may be directed to dispose of the case within the time frame to be fixed by this Court.

5. The learned counsel for the petitioners would also submit that the trial Court may be directed to expedite the trial by fixing time frame. It is pertinent to note that the Calendar Case in C.C.No.277 of 2015 is pending for the past more than six years.

6. Considering the above facts and circumstances and also taking note of the limited prayer now sought for by the petitioners and without expressing any view with regard to the merits of the case, the learned Judicial Magistrate, Sengottai, is directed to complete the trial and dispose of the case as expeditiously as possible preferably, within a period of four months from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

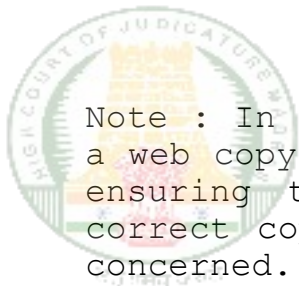
Assistant Registrar (Writ)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

das



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.

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- To
- 1.The Judicial Magistrate, Sengottai.
 - 2.The Inspector of Police,
Sengottai Taluk,
Incharge of All Women Police Station,
Tenkasi.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madrash High Court,
Madurai.

Crl.O.P. (MD) No.12133 of 2019
and
Crl.M.P. (MD) No.7624 of 2019
12.01.2022

RK/CK(03/02/2022) 3P 4C