



WEB COPY



Crl.OP.No.18053 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18053 of 2023

and

Crl.M.P.No.11922 of 2023

1.S.Prabu,
S/o.Sekar

2.A.Thenagan
S/o.Anandan

3.K.Simson Yozvan,
S/o. Gurunathan

... Petitioners

Vs.

1. The Inspector of Police,
All Women Police Station,
Vellore, Vellore District.
(Cr.No.27 of 2022)

2. K.Mangaiyakarasi,
W/o.Karthikeyan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to C.C.No.160 of 2020 in Cr.No.55 of 2013 dated 25.12.2013 on the file of the Additional Mahila Judge (Judicial Magistrate) Vellore and to quash the same.

[Memo filed by the petitioners to amend the Calendar Case number is taken on record]



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For Petitioners : Mr.S.Saran Raj

For Respondent : Mr.A.Gopinath
Government Advocate [Crl.Side] [R1]

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.160 of 2020 on the file of the Additional Mahila Judge (Judicial Magistrate) Vellore.

2. Heard Mr.S.Saran Raj, learned counsel for petitioners and Mr.A.Gopinath, learned Government Advocate [Crl.Side] appearing for first respondent.

3. The main grievance that was expressed by learned counsel for petitioners is that the proceedings have been pending from the year 2020 onwards on the file of Additional Mahila Court, Judicial Magistrate, Vellore and there has been absolutely no progress. Till date, not even a single witness has been examined and the case is adjourned from time to time without any progress.



4. It is seen from records that not even a single witness has been examined till date and even now, the case is at the stage of issuing summons to LW-1 to LW-6.

5. Taking into consideration the facts and circumstances of the case and the grievance expressed by the petitioners, there shall be a direction to the Court below to conclude the proceedings in C.C.No.160 of 2020 on the file of the Additional Mahila Court, Judicial Magistrate, Vellore, within a period of three (3) months from the date of receipt of a copy of this order.

6. The trial shall be conducted on a day-to-day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioners adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them to custody as per the judgment of the Hon'ble Supreme Court in ***State of Uttar Pradesh v. Shambhu Nath Singh (JT 2001 (4) SC 3191)***. On completion of the proceedings, a compliance report shall be filed before this Court.



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N.ANAND VENKATESH, J

gm

This Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

17.08.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

1.The Additional Mahila Court,
Judicial Magistrate, Vellore.

2. The Inspector of Police,
All Women Police Station,
Vellore, Vellore District.

3.The Public Prosecutor,
Madras High Court,
Chennai.

Crl.O.P.No.18053 of 2023