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Crl OP No. 26488 / 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No. 26488 of 2019
and
Crl.M.P. Nos. 14191 & 14193 of 2019

1. Karthick

2. Srinivasan

... Petitioners

Versus

1. State by Inspector of Police,
J.8 Neelankarai Police Station,
Chennai.
(Crime No.478/2010)

2. J. Baskar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records in C.C. No. 794 of 2010 on the file of the learned Judicial Magistrate, Alandur and quash the proceedings therein in so far as it relates to the petitioners herein.

For Petitioners : Mr. A. Murugavel.

For Respondent : Mr. A. Damodaran,
Additional Public Prosecutor for R1.

No appearance for R2.



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C. No. 794 of 2010 on the file of the learned Judicial Magistrate, Alandur.

2. The main grievance of the petitioners is that the charge sheet was filed in the year 2010. However, no progress had taken place in the trial. The petitioners are arrayed as A1 and A4. A2 and A3 are not appearing before the trial Court. Though only eight witnesses were cited on the side of the prosecution, the trial has not commenced. The learned counsel for the petitioners submitted that the complaint is motivated and false. Further, it is submitted that in view of the pendency of the criminal case, he has been put to untold hardship.

3. However, the learned Additional Public Prosecutor appearing for the first respondent opposed the submissions made by the learned counsel for the petitioners.

4. The main grievance of the petitioners is that though the final



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report was filed in the year 2010, there is no progress in the trial. The points raised by the petitioners that the case is false and motivated can be adjudicated only during the trial. Hence, this Court is not inclined to quash the impugned proceedings. However, the petitioners are at liberty to raise all the points before the trial Court. The learned Judicial Magistrate, Alandur shall conduct the trial in C.C. No. 794 of 2010 in a expeditious manner and in any event, conclude it within a period of four months from the date of receipt of a copy of this order, since the case is pending from 2010.

5. Accordingly, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed.

08.03.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The Inspector of Police,



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J.8 Neelankarai Police Station,
Chennai.

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2. The Judicial Magistrate,
Alandur.

SUNDER MOHAN, J

ay

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

Crl.O.P. No. 26488 of 2019
and
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