



Crl.O.P.(MD)No.6288 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.6288 of 2019
and
Crl.M.P.(MD)No.4159 of 2019

T.Mugeshkumar

... Petitioner

Vs.

1.The State through
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

2.S.Kavitha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records connected with the case in S.C.No.98 of 2019 pending on the file of the learned District and Sessions Court/Mahila Court, Thoothukudi and quash the same as illegal.

For Petitioner : Mr.S.Malaikani

For R1 : Mr.M.Sakthikumar
Government Advocate (Crl. Side)



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For R2

: Mr.T.Chandrasekaran

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ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.98 of 2019 pending on the file of the learned District and Sessions Court/Mahila Court, Thoothukudi.

2.According to the petitioner, he is facing trial in S.C.No.98 of 2019 pending on the file of the learned District and Sessions Court/Mahila Court, Thoothukudi. The first respondent has registered a case in Cr.No.582 of 2017 for the offences punishable under Sections 452, 294(b) and 506(ii) IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss)Act and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. After completion of investigation, the first respondent filed charge sheet before the learned Judicial Magistrate No.II, Kovilpatti and the case was committed before the Sessions Court and the same was taken on file in S.C.No.98 of 2019. The entire prosecution case is false and clear abuse of process of law.



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Thereby, the entire proceedings is liable to be quashed.

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3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioner has represented that after committal to the Sessions Court, the Sessions Court has transferred the case to the learned Judicial Magistrate No.II, Kovilpatti by deleting Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss)Act and the case was renumbered as C.C.No.396 of 2021. Hence, he prayed for speedy trial in C.C.No.396 of 2021 pending on the file of the learned Judicial Magistrate No.II, Kovilpatti.

4.The learned counsel appearing for the second respondent has no objection to direct the trial Court for speedy disposal of the case.

5.The learned Government Advocate(Crl.side) appearing for the first respondent has also admitted that initially case was pending before the Sessions Court, Thoothukudi and thereafter, case has been transferred to the file of the learned Judicial Magistrate No.II, Kovilpatti by deleting Section 3 of the Tamil Nadu Public Property (Prevention of Damage and



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Loss)Act.

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6.In view of the submission made by the learned counsels and considering the fact that already case has been transferred from the file of Sessions Court, Thoothukudi to the file of the learned Judicial Magistrate No.II, Kovilpatti by deleting Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss)Act and also considering the facts and circumstances of the case, it is appropriate to direct the Court below to expedite the trial. Accordingly, the learned Judicial Magistrate No.II, Kovilpatti is directed to expedite the trial proceedings in C.C. No.396 of 2021 and dispose of the case, as early as possible, preferably, within a period of four months from the date of receipt of a copy of this order.

7.With the above observations and directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

05.07.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District and Sessions Court/Mahila Court,
Thoothukudi.
- 2.The Judicial Magistrate No.II,
Kovilpatti.
- 3.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

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