



*CrI.O.P.(MD) No.16427 of 2023*

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.09.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

**CrI.O.P.(MD) No.16427 of 2023**  
**and**  
**CrI M.P (MD) Nos.13069 & 13071 of 2023**

R.Kannan

... Petitioner

Vs.

The Inspector of Police,  
Kumbakonam East Police station,  
Thanjavur District.  
(Crime No. 49/2015)

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to C.C No.93 of 2017 pending on the file of the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District and quash the same.

For Petitioner : Mr.B.Anandan

For Respondent : Mr.E.Antony Sahaya Prabahar  
Additional Public Prosecutor



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## **ORDER**

This Criminal Original Petition is filed under Section 482 of Cr.P.C. seeking for quashment of C.C.No.93 of 2017 pending on the file of the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District. According to the petitioner, the offence alleged to have been committed in the year 2015 and charge sheet is filed in the year 2017.

2. Learned Additional Public Prosecutor submits that already three witnesses were examined. The petitioner has failed to explain as to why he could not produce this Court immediately after FIR is filed or charge sheet is taken cognizance.

3. The contention of the petitioner is that the offence alleged against him are not attracted to him. If that was the defence, the petitioner should have filed an application to discharge and expected to approach this Court at the earliest point of time. But this petition is filed six years of filing the charge sheet, when the trial is already commenced. Considering the same, since this petition is filed belatedly, the same is not maintainable.



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4. In view of the above, this criminal original petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

Speaking : Yes / No  
NCC : Yes / No  
Internet : Yes / No  
Index : Yes / No

**21.09.2023**

tsg

To

1.The Judicial Magistrate No.II, Kumbakonam, Thanjavur District.

2.The Inspector of Police,  
Kumbakonam East Police station,  
Thanjavur District.  
(Crime No. 49/2015)

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**DR.D.NAGARJUN. J.**

tsg

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