



Crl.O.P.(MD) No.16061 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2023

CORAM:

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

Crl.O.P.(MD) No.16061 of 2023
and
Crl.M.P.(MD) Nos.12750 & 12751 of 2023

Karuppiah

...Petitioner

Vs.

1.The State rep by
The Inspector of Police,
Sholavanthan Police Station,
Madurai District.
(Crime No.406/2014)

2.Ayyanar

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the charge sheet in connection with C.C.No.117 of 2018 on the file of the Judicial Magistrate, Vadipatti, Madurai District and quash the same.

For Petitioner	: Mr.B.Jeyakumar
For R1	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor



Crl.O.P.(MD) No.16061 of 2023

WEB COPY

ORDER

This petition has been filed to quash C.C.No.117 of 2018 on the file of the Judicial Magistrate, Vadipatti, Madurai District.

2.It is submitted by the learned counsel for the petitioner that the respondent Police have registered a case under Section 379 IPC and even if the contents of the charge sheet are expected to be correct, there is no case against the petitioner. Charge sheet should not have been taken cognizance as it was filed contrary to Section 468 Cr.P.C.,

3.The learned Additional Government Pleader for the 1st respondent on the other hand submitted that except recording of evidence of Investigating Officer, evidence of all other witnesses are completed and that the petitioner has approached this Court belatedly.

4.The learned counsel for the petitioner on the other hand submitted that for the last 4 years, the matter is being pending for want of examination of the Investigating Officer.



Crl.O.P.(MD) No.16061 of 2023

WEB COPY

5. In view of the submissions made by both sides, since all the witnesses except Investigating Officer have already been examined and the matter is posted on 23.09.2023, this petition is disposed of directing the respondent Police to examine the Investigating Officer L.W.18. In case, if L.W.18 failed to appear before the Court, the learned Magistrate is directed to take coercive steps including issuance of bailable or non bailable warrant. The learned Magistrate is further directed to consider the plea of the petitioner under Section 468 Cr.P.C., at the time of final hearing. He is also directed to complete the trial as expeditiously as possible not later than three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

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

14.09.2023

Yuva

To

1. The Inspector of Police,
Sholavanthan Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.16061 of 2023

DR.D.NAGARJUN. J.

Yuva

Crl.O.P.(MD)No.16061 of 2023

14.09.2023