



CrI.O.P.(MD)No.20464 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.(MD)No.20464 of 2021
and
CRL.M.P.(MD)No.11653 of 2021

1.Vayakkattusamy

2.Sudha

... Petitioners / Accused Nos.6 & 8

Vs.

1.The State represented by

The Inspector of Police,

Kottampatti Police Station,

Madurai District.

(Crime No.5 of 2019)

... 1st Respondent / 1st Respondent

/ Complainant

2.Azagu

3.Rajamanickam

4.Rajammal

5.Raja

6.Rajalakshmi

... Respondent Nos.2 to 6 /

Petitioner Nos.1 to 5

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, praying this Court to set aside the order dated 20.10.2021 insofar as taking



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cognizance against the petitioners herein are concerned under Section 302 of IPC made in CrI.M.P.No.80 of 2021 on the file of the Judicial Magistrate Court, Melur in Crime No.5 of 2019 on the file of the 1st respondent Police.

For Petitioners : Mr.J.Lawrance
For R1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor
For R2 to R6 : Ms.B.Banumathi
for Mr.S.T.Sasidharan Tamilkani

ORDER

This Criminal Original Petition is filed challenging the order dated 20.10.2021 made in CrI.M.P.No.80 of 2021 passed by the learned Judicial Magistrate, Melur, wherein the learned Judicial Magistrate, Melur has taken cognizance under Section 190(1)(b) Cr.P.C., for the alleged offence under Section 302 IPC against the petitioners and others and issued summons to them.

2.The learned counsel appearing for the petitioners submits that all the accused persons appeared before the learned Judicial Magistrate, Melur. Therefore, he seeks permission of this Court to withdraw this petition and also made an endorsement to that effect in the case bundle, for which, the learned counsel for the respondents 2 to 6 has no objections, but only grievance is that though the order has been passed by the learned Judicial Magistrate, Melur as



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early as on 20.10.2021, since other accused in this case had filed some petitions to stall the progress of the trial, the case has been kept pending without further progress and committal. Hence, a direction may be issued to complete the committal proceedings within the stipulated period.

3.The learned Additional Public Prosecutor for the 1st respondent submitted that in this case all the accused persons are police personnels, who are in service. His apprehension is that further progress of the case before the Magistrate and thereafter, to the Sessions Court would get delayed. Hence, he sought for appropriate orders.

4.Considering the above submissions, this Court directs the learned Judicial Magistrate, Melur to complete the further proceedings and to commit the case to the Court of Sessions as early as possible, preferably, within a period of two months from the date of receipt of a copy of this order without giving any room for further delay. In the event of dilatory tactics being adopted to delay the proceedings, coercive steps are to be taken to ensure the earlier committal of the case.



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5. In view of the endorsement so made, this Criminal Original Petition is dismissed as withdrawn. Registry is directed to mark a copy of this order to the Inspector General of Police (South), Madurai, for compliance of the order. Consequently, connected miscellaneous petition is closed.

28.07.2023

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

Yuva

To

1. The Judicial Magistrate,
Melur.
2. The Inspector General of Police (South),
Madurai.
3. The Inspector of Police,
Kottampatti Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Yuva

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