



Crl.O.P.(MD)No.4035 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.4035 of 2020

and

Crl.M.P(MD)No.2239 of 2020

K.Karthik

... Petitioner/A1

vs.

1.The State of Tamil Nadu,
Rep. by its Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.

... 1st Respondent/Complainant

2.Muthuselvi

... 2nd Respondent/Defacto Complainant

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.18 of 2015 on the file of the District Munsif Court cum Judicial Magistrate Court, Cheranmahadevi and quash the same as against the petitioner/1st Accused.

For Petitioner : Mr.J.John

For Respondents : Mrs.M.Aasha
Government Advocate (Crl. side) for R1



Crl.O.P.(MD)No.4035 of 2020

WEB COPY

ORDER

The Criminal Original Petition is filed to direct the second respondent police to register a case on the basis of the petitioner's complaint dated 22.07.2022 on the basis of the direction issued by the learned Judicial Magistrate Court No.1, Kuzhithurai under Section 156(3) of the Code of Criminal Procedure in Crl.M.P.No.10738 of 2022 dated 19.10.2022 and complete the investigation and file final report.

2.In this case, the primary contention of the petitioner is that the petitioner as well as the defacto complainant have since moved on. The defacto complainant has also married to some other person and she is living abroad. She is not in a position to come and depose evidence also. Therefore, the petitioner as well as his family members are before the trial Court attending the case from the year 2015. Therefore, the learned counsel prays for quashment of the case. During the course of the hearing, the father of the defacto complainant appeared before this Court and submitted that his daughter would be willing to appear. He also further submitted that since there is some issue related to jewels, he cannot say or his daughter will not convey no objection for quashment of the case, unless the jewels are returned, the case cannot be compromised.



Crl.O.P.(MD)No.4035 of 2020

WEB COPY

3.Be that as it may, the case is of the year 2015. Even before this Court, the father of the defacto complainant, on instructions, submitted that his daughter would appear before the trial Court in the last hearing itself. However, today it is now represented by the learned Government Advocate (Crl. side) that P.W.1 has expressed some difficulty on account of an ongoing examination and that she will appear and depose before the trial Court without fail on 14.11.2024.

4.In view thereof, this Criminal Original Petition is disposed of on the following terms:

(i) Since the case is pending from the year 2015, let P.W.1 shall appear and depose for evidence on 14.11.2024;

(ii) If the defacto complainant fails to appear and depose evidence either physically or virtually, then the trial Court shall consider and further pass orders discharging the accused, on the ground of prolonged trial without progress.

Consequently, connected miscellaneous petition is closed.

01.10.2024

NCC : Yes / No

<https://www.mhc.tn.gov.in/judis>



Crl.O.P.(MD)No.4035 of 2020

D.BHARATHA CHAKRAVARTHY, J.

sjj

To

- 1.The District Munsif Court cum Judicial Magistrate Court,
Cheranmahadevi.
- 2.The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.4035 of 2020

01.10.2024