

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 05.08.2016****CORAM****THE HONOURABLE MR.JUSTICE P.N.PRAKASH****Crl.OP No.16889 of 2016****and****Crl.MPs.No.8116 & 8117 of 2016**

C.Prabhakaran

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Petitioner

Vs

State, rep.by
 the Inspector of Police,
 K-1 Sembiam Police Station,
 Chennai - 600 012,
 (Ref. Crime No.602/2015)

..

Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in P.R.C.No.118 of 2015 on the file of the V-Metropolitan Magistrate, Egmore, Chennai and quash the same as against the petitioner.

For Petitioner

:Mr. V.Vijayakumar

For Respondent

:Mr.C.Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records in P.R.C.No.118 of 2015 on the file of the V-Metropolitan Magistrate, Egmore, Chennai and quash the same as against the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The respondent police received information that a person has been admitted in the Government Hospital and therefore, when they went there, they found that Sathishkumar, defacto complainant taking treatment. On the statement given by Sathishkumar, the respondent police registered a case in crime No.602 of 2015 on 27.04.2015 and after completing the investigation, the respondent police filed a final report against eight accused before the V Metropolitan Magistrate, Egmore, in PRC No.118 of 2015 and committal proceedings are awaited. At this juncture, C.Prabhakaran (A5) has approached this Court by way of 482 Cr.P.C petition for quashing the prosecution on the ground that there is no iota of materials as against him.

4. Mr.V.Vijayakumar, learned counsel for the petitioner submitted that even in the complaint given by Sathishkumar, he has only named Dinakumar and Karthick and does not mention the name of the petitioner. That apart, even in the 161 statement, he had not named the petitioner and therefore, the petitioner cannot be mulcted with criminal liability. This Court gave its anxious consideration to the submission of the learned counsel for the petitioner.

5. The fact remains that Sathish kumar has named Dina kumar and Karthick and further, he has stated that five persons, who can be identified, had attacked him.

6. Mr.V.Vijayakumar, learned counsel for the petitioner submitted that test identification parade was not conducted and therefore, the entire prosecution has become suspect.

7. In 482 Cr.P.C, these aspects can not be gone into. It is possible that the defacto complainant may identify the accused whilst he is in the witness box and therefore, this Court cannot quash the prosecution on the aforesaid ground urged by the learned counsel for the petitioner.

8. The learned Additional Public prosecutor for the respondent also submitted that some of the accused are absconding and the respondent police may be directed to take immediate steps to secure those accused or inter alia take steps to cancel their bail.

P.N.PRAKASH,J.

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In the result, this criminal original petition is dismissed as devoid of merits with a direction to the committal Court to commit the case to the Court of Sessions expeditiously. Consequently, connected miscellaneous petitions are closed.

05.08.2016

sms
To

1. The Inspector of Police,
K-1 Sembiam Police Station,
Chennai - 600 012.
2. The V, Metropolitan Magistrate,
Egmore, Chennai.
3. The Public Prosecutor,
High Court, Madras.

Crl.OP No.16889 of 2016
and
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