

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25810 of 2016

P.Jasmin Lena

.. Petitioner

Vs

State rep by its

1.The Inspector of Police,
W-3, All Women Police Station,
Tambaram, Chennai-45.

2.Jeromiah

3.Irudhayamary

4.Johnson

5.Jennis

6.Leema Rose

7.Rebacca

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate, Tambaram to try both the cases jointly viz., the case filed on Police Report in C.C.No.500 of 2010 and the Private Complaint filed by the Petitioner in C.C.No.772 of 2012 and complete the Trial of both the cases with in a time fixed by this Hon'ble Court.

For Petitioner : Mr.K.Premkumar

For 1st Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the learned Judicial Magistrate, Tambaram to try both the cases C.C.No.500 of 2010 and C.C.No.772 of 2012 jointly and complete the Trial with in a time fixed by this Hon'ble Court.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the 1st respondent and perused the materials placed on record.

3. On the complaint lodged by the petitioner, the respondent Police registered a case in Crime No.15 of 2009 and after completing the investigation, filed a final report in C.C.No.500 of 2010 before the learned Judicial Magistrate, Tambaram for offences under Sections 326, 452, 498-A and 506 of IPC against Jeromiah, Irudhayamary, Johnson, Jennis,

Leema Rose and Rebacca. The petitioner was not satisfied with the investigation, as the petitioner was of the opinion, that the police has left out Sections 3 and 4 of the Dowry Prohibition Act in C.C.No.500 of 2010.

4. The private complaint lodged by the petitioner was taken on file by the learned Judicial Magistrate, Tambaram as C.C.No.772 of 2012 and there seems to be no progress in the case, whereas, trial in C.C.No.500 of 2010 has proceeded with examination of PW1 to PW4. At that juncture, the petitioner has filed a petition under Section 210 Cr.P.C. before the learned Judicial Magistrate, Tambaram to club together C.C.No.500 of 2010 and C.C.No.772 of 2012, in which, the learned Magistrate have passed some orders on 18.11.2016, which is indecipherable. Now, the de facto complainant is before this Court, for a direction to the learned Judicial Magistrate, Tambaram to try C.C.No.550 of 2010 and C.C.No.772 of 2012 jointly.

5. Learned counsel for the petitioner placed reliance on Section 210 Cr.P.C., in support of his plea for a joint trial.

6. In the considered opinion of this Court, reliance on Section 210 Cr.P.C. is misplaced. Inasmuch as, Section 210 Cr.P.C. would apply during the course of enquiry or trial in a private complaint, if it comes to the notice of the Court that the police investigation is pending, the Court is required to stay further proceedings in the complaint and await the report from the police. In this case, the police charge sheet has been filed in the year 2010 and only thereafter, the private complaint has been filed in the year 2012. Therefore, the provision of Section 210 Cr.P.C. will have no application.

In the result, the petition is devoid of merits and accordingly, dismissed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

gya

To

1.The Inspector of Police,
W-3, All Women Police Station,
Tambaram, Chennai-45.

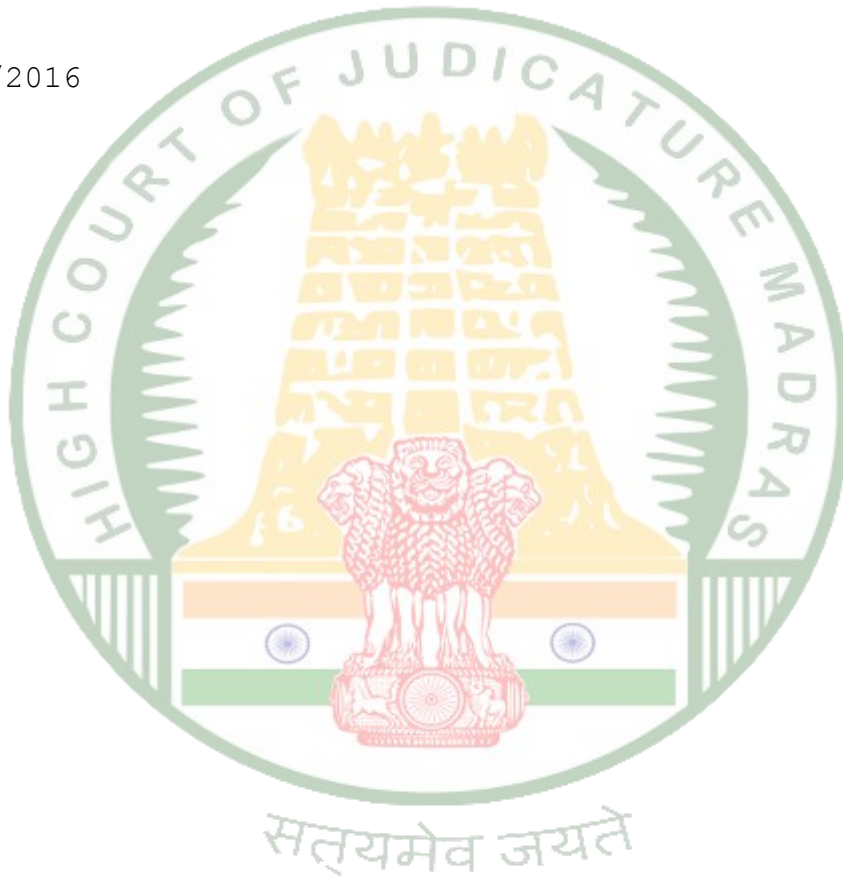
2.The Judicial Magistrate,
Tambaram.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/S K.Premkumar, Advocate Sr.70334

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SS (CO)
RVR 29/12/2016



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