

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.6090 of 2016

and

CrI.M.P.Nos.3135 and 3136 of 2016

S.Ramu ... Petitioner/A.3

... Vs ...

1. The State Rep. by,
The Inspector of Police,
Central Crime Branch, Team-I,
Presently at Chennai City Police,
Commissionerate building,
Vepery, Chennai - 600 007.
2. The State Rep. by,
The Assistant Commissioner of Police,
Central Crime Branch, EDF-Team-I,
Chennai City Police,
Commissionerate building,
Vepery, Chennai - 600 007.
(Crime No.417/2009) ... Respondents/Complainants

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in C.C.No.10593/2010 pending on the file of the Learned XI Metropolitan Magistrate, Saidapet, Chennai and to examine the same and to quash the entire proceedings in C.C.No.10593/2010 as against the petitioner herein.

For Petitioner : Mr.G.Prabhakaran

For Respondents: Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The petitioner has come forward with the present petition seeking to call for the records in C.C.No.10593/2010 pending on the file of the Learned XI Metropolitan Magistrate,

Saidapet, Chennai, and to examine the same and to quash the entire proceedings in C.C.No.10593/2010 as against the petitioner herein.

2. The learned counsel for the petitioner would submit that on the basis of the complaint given by the de facto complainant, a case in Crime No.417 of 2009 has been registered against A.1 to A.3. The first accused is the Manager of the de facto complainant's transport company and the second accused is the brother of A.1 and the third accused is the petitioner herein. In the de facto complainant's transport company, A.3/petitioner is only driver and he is a friend of A.1. Merely because the petitioner is the friend of A.1, a false case has been foisted as if he abetted the commission of offence. In the charge sheet, there is no prima facie evidence to show that the petitioner has abetted for the commission of offence and hence, the petitioner has come forward with this petition for the above stated relief.

3. At the time of admission, the learned Additional Public Prosecutor submitted that after conducting proper investigation only, charge sheet has been levied. It is further submitted that the questions as to whether there is sufficient material to show that the petitioner has abetted the commission of offence and whether the ingredients of the offences have been made out or not have to be decided only at the time of trial. The learned Additional Public Prosecutor also submitted that the case is pending for the past six years and hence, he prays for dismissal of the petition.

4. This Court has considered the rival submissions made on both sides and perused the records.

5. On a perusal of typed set of papers, it is seen that on the basis of the complaint given by one Mrs.Jayalakshmi/de facto complainant, a case in Crime No.417 of 2009 has been registered for the offences punishable under Sections 406 and 420 of IPC. After investigation, charge sheet has been levied for the offences punishable under Sections 408, 408 r/w. 109, 467, 468, 471 r/w.465 and 109 of IPC. During the investigation, the de facto complainant has filed a petition in CrI.M.P.No.6905 of 2013, on 22.09.2011, before the learned XI Metropolitan Magistrate, Saidapet, Chennai, for further investigation and the learned Magistrate, after hearing both sides, ordered for further investigation and it was not challenged by the accused. Hence, I do not find any reason to quash the proceedings in C.C.No.10593/2010 pending on the file of the Learned XI Metropolitan Magistrate, Saidapet, Chennai, and hence, this Criminal Original Petition is dismissed.

6. The learned XI Metropolitan Magistrate, Saidapet, Chennai, is directed to dispose of the case in C.C.No.10593/2010, within a period of six months from the date of receipt of a copy of this order, after following the procedure and after giving fair opportunity to both sides. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Jr1
To

1. XI Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police, Central Crime Branch, Team-I, Presently at Chennai City Police, Commissionerate building, Vepery, Chennai - 600 007.
3. The Assistant Commissioner of Police, Central Crime Branch, EDF-Team-I, Chennai City Police, Commissionerate building, Vepery, Chennai - 600 007.
4. The Public Prosecutor, High Court, Madras.

+1cc to Mr.G. Prabakaran, Advocate, S.R.No.18219

KJI(CO)
EU(7/04/2016)

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