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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 4297/2014

BHAI SARABJIT SABHARWAL

@ DR SABI SABHARWAL & ORS

..... Petitioner

Through: Mr. Neeraj Chaudhari, Advocate

versus

STATE & ANR

..... Respondent

Through: Mr. Kamal Kumar Ghai, Additional
Public Prosecutor for the State with
Sub-Inspector Sunil Kumar, Police
Station Tughlak Road, Delhi
Ms. Nishtha Kishore, proxy counsel
for Mr. Jasmeet Singh, Advocate for
respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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14.01.2016

By this petition filed under Section 482 of Cr. P.C., the petitioners seek quashing of Kalandra proceedings as well as summons under Section 113 Cr. P.C. and notice under Section 107/111 Cr. P.C. dated 10.09.2014 issued to the petitioners.

Vide aforesaid summons and notices, the learned Special Magistrate has directed the petitioners to appear in person or through authorised representatives.

With the assistance of learned Additional Public Prosecutor for

the State the matter has been heard at length and this Court has considered the provision dealing with the present case. As per the provisions of Sections 107 and 116 (6) of the Cr. P.C., the period for conducting the inquiry is six months. For better appreciation of the section, the same is reproduced as under:

“116. Inquiry as to truth of information.

(1) Xxx

(2) Xxx

(3) Xxx

(4) Xxx

(5) Xxx

(6) The inquiry under this section shall be completed within a period of six months from the date of its commencement, and if such inquiry is not so completed, the proceedings under this Chapter shall, on the expiry of the said period, stand terminated unless, for special reasons to be recorded in writing, the Magistrate otherwise directs:

Provided that where any person has been kept in detention pending such inquiry, the proceeding against that person, unless terminated earlier, shall stand terminated on the expiry of a period of six months of such detention.”

Apparently, no order has been passed by the learned Metropolitan Magistrate within the prescribed period of six months.

In these circumstances, the proceedings are deemed to have come to

an end after expiry of the period of the prescribed period of six months.

In the light of the aforesaid, this Court is of the opinion that no useful purpose would be served in continuing the present petition and the proceedings emanating from the Kalandra registered under Section 107/111 of Cr. P.C.

In view of the aforesaid discussion, the present petition filed by the petitioner is rendered infructuous and is disposed of as such.

P.S.TEJI, J

JANUARY 14, 2016
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