

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 23.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.27217 of 2018
and
CrI.M.P.No.15692 of 2018

Mr.Joel @ Beniston Joel ... Petitioner/Accused-16

Vs.

1. State Rep, by
The Inspector of Police,
Central Crime Branch,
Vepery, Chennai. ... 1st Respondent/Complainant

2. Mrs.Juliet ... 2nd Respondent/Defacto Complainant

For Petitioner : Mr.J.N.Naresh Kumar

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in P.R.C.No.164 of 2011 pending on the file of the learned II Metropolitan Magistrate Court at Egmore, Chennai.

ORDER

This petition has been filed seeking to quash the proceedings in P.R.C.No.164 pf 2011, on the file of the learned II Metropolitan Magistrate Court at Egmore, Chennai.

2. The petitioner has been shown as A16 in the final report. The respondent police have filed a final report for an alleged offence under Sections 147, 148, 149, 341, 294 (b), 307, 324, 302, 506 (ii) and 120 (b) of IPC. The case continues in the PRC stage for the last seven years without any committal.

3. The learned counsel for the petitioner would raise various grounds in order to substantiate the argument that there are absolutely no materials against this petitioner. The learned counsel also submitted that the case is pending for more than seven years without any committal to the appropriate Court and this is causing great hardship to the petitioner, who has

been added as A16 in this case.

4. The ground raised by the petitioner is factual in nature and this Court does not want to get into those issues at this stage. The Court in which the case is committed can always consider all these materials at the time of framing charges under Section 228 of Cr.P.C, as the Court can always exercise this power under Section 227 and discharge the petitioner.

5. In view of the above, this Court is not inclined to entertain the Criminal Original Petition.

6. The learned II Metropolitan Magistrate Court at Egmore, Chennai is directed to commit the case to the appropriate Court within a period of one month from the date of receipt of a copy of this order.

7. If the Court to which the case is committed finds that certain accused persons are absconding, it shall split up the case and proceed further with the case in accordance with law as against the available accused persons. The Court to which the case is committed shall try to complete the case as expeditiously, as possible since the case has been pending for a very long time without any progress.

8. The Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dss

To

1. The learned II Metropolitan Magistrate Court at Egmore, Chennai.
2. The Inspector of Police,
Central Crime Branch,
Vepery, Chennai.

3. The Public Prosecutor,
Madras High Court, Madras.

+1cc to Mr.J.N.Naresh Kumar, Advocate sr.no.80028

Crl.O.P.No.27217 of 2018

bs(co)
nr 14/12/2018