

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.01.2019
CORAM
THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH
Crl.O.P.No.2607 of 2019
and Crl.M.P.No.1682 of 2019

Abdul Rahim

... Petitioner

Vs.

1.State by,
The Inspector of Police,
Central Crime Branch,
Egmore, Chennai
(Crime No.376 of 1995)

2.K.Arunachala Asari

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.7143 of 2016 on the file of the Metropolitan Magistrate Court for trial of CCB and CBCID cases, Egmore, Chennai and quash the same.

For Petitioner : Mr.P.Pugalenth

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

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.7143 of 2016 on the file of the Metropolitan Magistrate Court for Trial of CCB and CBCID cases, Egmore, Chennai.

2. It is seen from the records that based on the complaint given by the second respondent on 01.04.1995, the first respondent police registered an FIR in Crime No.376 of 1995 for an offence under Section 420 r/w 34 of IPC against this petitioner and another. The investigation was completed and a final report was also filed and the same was taken on file in C.C.No.7252 of 1998 by the III Metropolitan Magistrate Court, George Town, Chennai for an offence under Section 420 r/w 34 IPC. This case was posted before Lok Adalat on 28.03.2016, A1 has settled the entire amount to the defacto complainant and the defacto complainant had agreed to withdraw the entire complaint and the same is reflected in the award passed in the Lok Adalat on 28.03.2016.

3. Insofar as this petitioner is concerned, the case was split up and it was kept pending in C.C.No.7143 of 2016.

4.The learned counsel for the petitioner submitted that in view of the award passed by the Lok Adalat, nothing survives in this complaint and the petitioner need not go through ordeal of facing a trial before the Court below. The learned counsel further submitted that on the date of alleged occurrence, that is on 27.01.1994, this petitioner was inside the prison and the same is reflected by certificate issued by the Superintendent of Prisons, Puzhal, Chennai. Therefore, the very involvement of the petitioner in the alleged offence itself becomes questionable.

5.This Court heard the submissions of the learned counsel for the petitioner as well as the learned Additional Public Prosecutor representing for the respondent police.

6.In view of the above developments, no useful purpose will be served in keeping this proceedings pending. This Court does not find even a prima facie case being made out as against this petitioner.

7. In the result, the proceedings in C.C.No.7143 of 2016, on the file of the Metropolitan Magistrate Court for Trial of CCB and CBCID, Egmore, Chennai is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Metropolitan Magistrate Court for Trial of CCB and CBCID, Egmore, Chennai.

2.The Inspector of Police,
Central Crime Branch,
Egmore, Chennai.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.P.Pugalenth, Advocate, S.R.No.8503

CrI.O.P.No.2607 of 2019
and CrI.M.P.No.1682 of 2019

SV(CO)
GSP(21/02/2019)