

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.4272 of 2017

and Crl.M.P.No.3212 of 2017

Flora Saini

D/o.Jit Singh Saini

... Petitioner

Vs.

1.The Inspector of Police,
E2 Royapettah Police Station,
Royapettah,
Chennai - 600 014.

2.The Deputy Commissioner of Police,
(CCB-II),
#132, EVK Sampath Salai, Vepery,
Chennai - 600 007.

3.Antony K.Ramirez

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records FIR Crime No.413 of 2008, dated 10.03.2008 on the file of the E2, Royapettah Police Station and quash the same.

For Petitioner : Mr.M.Sunil Kumar

For Respondents : Mr.C.Iyyappa Raj

Additional Public Prosecutor
for R1 & R2

O R D E R

This petition has been filed to quash the proceedings in Crime No.413 of 2008 as against the petitioner/A1.

2. The learned counsel for the petitioner submitted that earlier on three occasions the petitioner had approached this Court seeking direction to complete the investigation and file a final report, however, the respondent police have not complied with the directions of this Court. Hence, the petitioner was constrained to file this petition. He further submitted that the petitioner, is an actress and in her profession she might have come across the persons. Further, the petitioner is not aware of

the other accused and their occupation except for being associated with them in one or two occasions in connection with the cultural programmes. He further submitted that case in Crime No.413 of 2008 had culminated into a charge sheet and the same was taken on file in C.C.No.1205 of 2017, which is pending before the XVIII Metropolitan Magistrate, Saidapet, Chennai. In the charge sheet L.W.1 to L.W.7 along with several documents were listed. Further, L.Ws.1 and 2 were dispensed with on 15.10.2019, L.Ws.3 to 6 were dispensed with on 18.02.2017. The only remaining witness is L.W.7, Investigating Officer, has to be examined on 24.03.2020, however, due to the lock down, the case was adjourned. He further submitted that as far as the documents submitted by the petitioner there is no deception or forgery. The petitioner is not aware of the documents which were filed by the other accused and she is not the reason for the same. Hence, the petitioner cannot be tried along with other accused. Further, all the witnesses were being dispensed with except L.W.7 and no logical conclusion to be arrived at, hence, he sought for quashing of the charge sheet.

3.In support of his contention the learned counsel relied upon the decision of this Court in CrI.R.C.No.336 of 2009, reported in Indian Kanoon (<http://indiankanoon.org/doc/1517556/>) and also the decision of the Apex Court in the case of Shabir Vs. State of Haryana, reported in 2009 SCC.

4.The learned Additional Public Prosecutor submitted that after completion of investigation in Crime No.413 of 2008, the respondent police has filed a charge sheet and the same was taken on file in C.C.No.1205 of 2017, which is pending before the XVIII Metropolitan Magistrate, Saidapet, Chennai. Hence, the prayer sought for in this petition has become infructuous. He further submitted that once the charge sheet has been filed the only way out for the petitioner is to participate in the trial and thereafter, allow the trial to reach its logical conclusion. The trial Court is to consider the merits of the case only based on the evidence, further quashing of the charge sheet would arise only in exceptional cases where continuation of trial would amount to abuse of process of law and this case is not an exceptional case. He further submitted that the above case is filed based on documentary evidence L.W.7, Investigating Officer had collected the documents and to mark the documents as exhibits. The trial Court would complete the trial only after examination of Investigating Officer.

5.Considering the rival submissions and on perusal of the

materials available on record, it is seen that in this case investigation has been completed, charge sheet filed and the trial is in the penultimate stage only for examination of L.W.7, Investigating Officer. It would be appropriate that the trial reaches its logical conclusion.

6.In view of the above, the Criminal Original Petition is dismissed. However, the trial Court is directed to complete the trial within a period of three months, after lifting the lock down and normal functioning of the Court. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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To

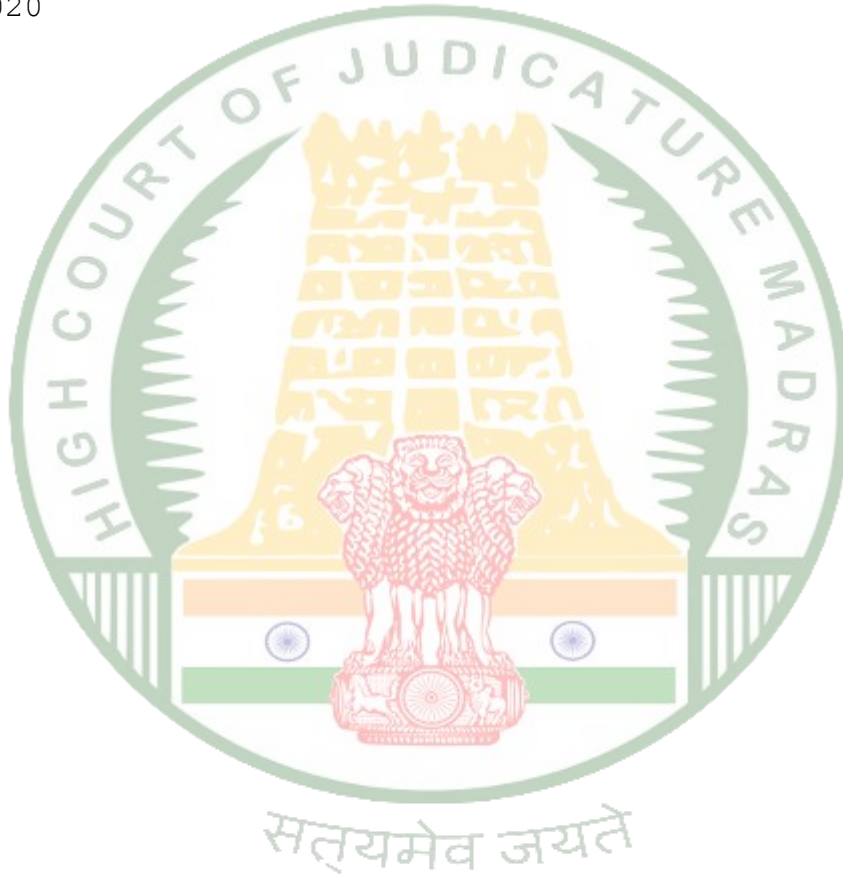
- 1.The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Inspector of Police,
E2 Royapettah Police Station,
Royapettah,
Chennai - 600 014.
- 4.The Deputy Commissioner of Police,
(CCB-II),
#132, EVK Sampath Salai, Vepery,
Chennai - 600 007.

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5.The Chief Metropolitan Magistrate
Egmore Chennai-08

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