



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NOS.355 & 357 OF 2019

AND

CRL.M.P.NOS.227, 228, 230 & 231 OF 2019

M/s.Krish Homes
Represented by its Managing Partner
K.Venkatesh

... Petitioner in Crl.O.P.No.355 of 2019

K.Venkatesh

... Petitioner in Crl.O.P.No.357 of 2019

Vs.

Syed Mohammed Javeed
Represented by his Power of
Attorney Agent
A.R.Mohammed Jaffer Sadique

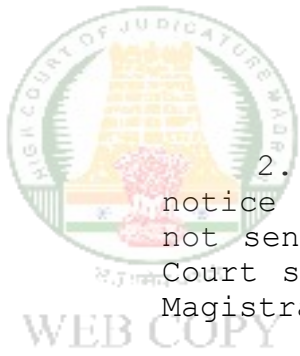
... Respondent in both Petitions

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of Criminal Procedure Code to quash the complaint in C.C.Nos.7936 & 7937 of 2018 on the file of the learned Metropolitan Magistrate, Fast Track Court No.II, Allikulam, Chennai.

For Petitioner in both Petitions : Mr.B.Manoharan

COMMON ORDER

These Criminal Original Petitions had been filed to quash the complaint in C.C.Nos.7936 & 7937 of 2018 on the file of the learned Metropolitan Magistrate, Fast Track Court No.II, Allikulam, Chennai.



2. The learned Counsel for the Petitioner submits that notice was already ordered and notice had taken, but notice has not sent to the Respondent and the earlier adjudication of this Court shows that call for remarks from the learned Metropolitan Magistrate, Fast Track Court - II, Egmore at Allikulam.

3. On the basis of the Report sent by the learned Metropolitan Magistrate dated 08.04.2022, the Petitioner herein who is the Accused before the learned Metropolitan Magistrate had not appeared before the learned Metropolitan Magistrate. Therefore, the Warrant was issued by the learned Metropolitan Magistrate. Till date, the Warrant was not executed by the Police concerned. From this conduct of the Petitioner, it is found that the Petitioner having filed this Petition under Section 482 of Cr.P.C., is duty bound either to appear before the trial Court or through Counsel and file appropriate Petition.

With the above observation, these Criminal Original Petitions are dismissed with a direction to the learned Metropolitan Magistrate - II, Egmore to proceed with the trial within a reasonable period of three months from the date of receipt of a copy of this order. This is nothing but an abuse of process of the Court under Section 482 of Cr.P.C., which is a glaring example. The Commissioner of Police, Chennai is directed to form a separate unit to execute the Warrants issued by the learned Metropolitan Magistrates and Sessions Judges in Chennai against absconding Accused to enable the Courts to dispose of the cases pending due to the absence of Accused before trial Courts. The learned Metropolitan Magistrate concerned is directed that if the absconding Accused is produced an execution of Warrant, such Accused shall be remanded and the trial conducted during such remand. The case had to be disposed within a reasonable time after detaining the Accused in Prison till the trial is concluded. Only by adopting this method the long pending trial due to absconding of Accused can be brought down. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate,
Fast Track Court No.II,
Allikulam, Chennai.

2. The Commissioner of Police,
Chennai.

3. The Public Prosecutor,
High Court, Madras - 104.

Copy To

1. The Registrar (Judicial)
High Court, Madras - 104.
2. The Deputy Registrar,
Criminal Section,
High Court, Madras - 104.

CRL.O.P.Nos.355 & 357 of 2019

SSD(CO)
RLP(11/05/2022)