
(2014) 10 MAD CK 0170

In the Madras High Court

Case No : Crl.O.P. Nos. 23079 and 23080 of 2013

R. Karuppan

APPELLANT

Vs

The Inspector of Police

RESPONDENT

Date of Decision : 15-10-2014

Acts Referred:

Constitution of India, 1950 — Article 21

Penal Code, 1860 (IPC) — Section 147, 149, 228, 336, 341

Citation : (2014) 10 MAD CK 0170

Hon'ble Judges : K.B.K. Vasuki, J

Bench : Single Bench

Judgement

K.B.K. Vasuki, J.—Both the criminal original petitions are filed for quashing the proceedings in CC.Nos. 6257 and 6258 of 2002 on the file of Chief Metropolitan Magistrate, Egmore, Chennai which are the culmination of FIR in Cr.Nos. 10 of 2001 and 13 of 2001 respectively in respect of the occurrence allegedly taken place at 11.45am on 26.04.2001 inside Court Hall No. 6 of High Court, Madras and in respect of the occurrence at 12.30pm on 30.04.2001 inside the reporters room situated within the High Court Campus. Both the cases are registered on the basis of the complaint given by Registrar General, High Court, Madras. The complaint arising out of which is CC.No. 6257 of 2002 in respect of the occurrence taken place inside the Court Hall is originally registered for the offences under Sections 147, 228, 427, 341, 353, 506(i) IPC r/w. S. 3(1) Tamil Nadu Prevention of Public Property Damages Act 1992 and under Section 7(1) of CLA Act. Whereas the charge sheet is filed under Sections 147 and 228 IPC r/w. Sections 3(1) of Tamil Nadu Prevention of Property Damages Act and Tamil Nadu Act 46/1992 r/w. 149. Other complaint relating to occurrence taken place inside the reporters room is originally registered for the offences under Sections 147, 427, 448, 336, 506(i) IPC r/w. Section 3(1) of Tamil Nadu Prevention of Public Property Damages Act and the same is charge sheeted for the offences under Sections 147, 451, 427, 506(i) IPC r/w. 3(1) and TN Act 46 of 1994 r/w. Section 173(2).

2. The proceedings in respect of both the occurrences are in the present petitions sought to be quashed by the accused who are practising lawyers in the High Court, on the ground of delay in lodging the complaint and delay in disposing of the cases and also on the ground of absence of any legally permissible evidence to identify the accused in the alleged occurrences.

3. Per contra, the learned Additional Public Prosecutor representing the respondents would seriously oppose the relief sought for herein by relying on the materials collected in the course of investigation by the respondent police.

4. Heard the rival submissions made on both sides.

5. As already referred to, the FIRs culmination of which are the present proceedings are registered on the basis of the complaint given by Registrar General, High Court against the petitioners herein. Though the dates of occurrences were on 26.04.2001 and 30.04.2001, the complaint are lodged only on 01.05.2001. There is absolutely no explanation forthcoming for the delay in lodging the complaint in the police station, which is situated within the High Court Campus. It equally remains unexplained as to how the complaint was filed by Registrar General who was neither present inside the court hall or inside the reporters room nor eye witnessed the occurrence. The statement of the Registrar General would reveal that he was informed about the occurrence happened inside the Court hall on the basis of the oral statement of the Court officer attached to Court Hall No. 6. Whereas other occurrence relating to reporters room was complained of to the Registrar General in writing and the same was forwarded to the Commissioner of Police for appropriate action on 29.05.2001.

6. In both the cases, the investigation was held by the Assistant Commissioner, B4 High Court Police Station, Chennai and the charge sheet was filed during 2001. The present petitions for quashment of the proceedings are filed in 2013 and there appears to be no progress in the cases pending before the trial Court between 2001 and 2013.

7. Be that as it may, as far as the de-facto complainant/Registrar General is concerned he is admittedly not present in the scene of occurrence on 26.04.2001 and 30.04.2001. While the first complaint is based on the oral statement of the Court officer, the second complaint is based on the complaint of the reporters in writing. The witnesses examined in support of the occurrences are the staff attached to court hall and other witnesses in respect of the occurrence inside the court hall and the reporters in respect of other occurrences and they do mention about the names of the advocates and alias names of the advocates allegedly involved in the occurrence, but as to how they are identified is not spoken by the witnesses. No identification parade is also held with reference to the witnesses to identify the actual offenders as that of the present set of accused. In that event, this Court finds considerable force in the argument so advanced on the side of the petitioners that they are falsely implicated in the present case by adopting pick and choose method.

8. Coming back to delay aspect, the learned counsel for the petitioners has in support of his contention that unexplained inordinate delay in disposing of the cases infringes the right of the accused to speedy trial also cited the following authorities of the Supreme Court (i) Santosh De Vs. Archana Guha and others, and (ii) Vakil Prasad Singh Vs. State of Bihar, . In both the cases, the Supreme Court was of the view that right to speedy trial of an accused in all criminal prosecution is an inalienable right under Article 21 of the Constitution of India. This right extends not only to the actual proceedings in Court but also includes within its sweep the preceding police investigations as well. The right of the speedy trial equally extends to all criminal prosecutions and is not confined to any particular category of cases and when such right to speedy trial of an accused has been infringed, the charges or the conviction as the case may be quashed. The Supreme Court by observing so, has quash the proceedings in both the cases.

9. By applying the same view to the facts of the present case and also for other reasons discussed above, this court is of the view that there is no justification to allow the proceedings to continue against the petitioners and the proceedings are hence liable to be quashed in both the cases.

10. In the result, both the criminal original petition are allowed by quashing the proceedings in CC.Nos. 6257 and 6258 of 2002 pending on the file of the Chief Metropolitan Magistrate, Egmore, Chennai.