

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.11553 of 2015

and

M.P.No.1 of 2015

Mr.Gajendran

...Petitioner

Vs

The Inspector of Police,
B-9, Saravannampatti Police Station,
Coimbatore.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the proceedings in F.I.R.No.626/2014 in Crime No.626 of 2014 on the file of the respondent and quash the same.

For Petitioner : Mr.Swaminathan Law Associates

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to call for the records pertaining to the proceedings in F.I.R.No.626/2014 in Crime No.626 of 2014 on the file of the respondent and quash the same.

2. Heard Mr.Swaminathan Law Associates, learned counsel for the petitioner, Mr.C.Emalias, learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. On a reading of the complaint, it is seen that the police were conducting routine check and they intercepted the vehicle in the cheque post, which was found to driven by accused 1&2 and in that vehicle, the accused have kept the pooja materials with which they were duping people.

4.The learned counsel for the petitioner submitted that the petitioner was not arrested immediately when the vehicle was intercepted and even according to the police, he was arrested only on 22.08.2014 at 4.00 a.m and therefore his name figures in the FIR. That apart, Mr.Mohan Das, produced a letter from the National Highways of India to show that the particular car in question passed through the check post in the National Highway, NH-47, at relevant point of time.

5. The Hon'ble Supreme Court in State of Haryana Vs Bhajan Lal reported in 1992 Supp [1] SCC 335, has laid parameters for quashing FIR. This court cannot go into the disputed questions of law and look into documents that are in support of accused, when the investigation is pending. From the confession statement of the arrested co-accused, involvement of the petitioner come to light and this petitioner was arrested and remanded to custody. The investigation is at a very earlier stage.

6.Hence, relying upon the aforesaid judgment, this court is not inclined to quash the FIR these points are left open.

4.With the above direction, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dn/nvi

To

1. The Inspector of Police,
B-9, Saravannampatti Police Station,
Coimbatore.
2. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.Swaminathan Law Associates, Advocate SR.No. 27654

CrI.O.P.No.11553 of 2015
and M.P.No.1 of 2015

CNR (CO)

PSI (09.06.2015)