

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

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THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Cr1.O.P. No.1375 of 2015

and

M.P.No.1 of 2015

1.Thangaraj

2.Natarajan

... Petitioners/ Accused

Vs

The State of Tamil Nadu

rep. By the Inspector of Police,

Madukkarai Police Station,

Madukkarai Taluk, Coimbatore.... Respondent/ Complainant
(Crime No.201 of 2014)

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the relevant records in Crime No.201 of 2014 on the file of the respondent and quash the same.

For Petitioners : Mr.R.Chellappa

For Respondent : Mr.M.Maharaja,
Addl. Public Prosecutor

ORDER

This petition has been filed to quash the case in Crime No.201 of 2014 on the file of the respondent police.

2.It is submitted by the learned counsel for the petitioners that the petitioners were not arrayed as accused in the F.I.R. and as per the F.I.R., the explosive substances were taken in the auto bearing Regn. No.TN 37 BQ 5663 and that was intercepted and it was found that the auto contained explosive substances. Therefore, a case was registered against three accused by names Binos, Shabeeq and Rajesh. Later, the petitioners were also arrested in connection with the said case and as per the remand report, the vehicle bearing Regn. No.TN 42 C 3839, which was used for the transport of explosive substances admittedly belongs to the first

petitioner, whereas in the F.I.R., it was stated that in the auto bearing Regn. No.TN 37 BQ 5663, the explosive substances were transported and therefore, for the purpose of remanding the first petitioner in the said case in Crime No.201 of 2014, the first petitioner's vehicle was introduced. He has further submitted that the first petitioner has got valid licence to transport explosive substances in the vehicle bearing Regn. No.TN 42 C 3839 and also produced the licence granted by the Joint Chief Controller of Explosives to the first petitioner.

3.I am unable to accept the contention of the learned counsel for the petitioners. No doubt, in the F.I.R., it has been stated that the explosive substances were transported in the auto bearing Regn. No.TN 37 BQ 5663 and on suspicion, the auto was intercepted and it contained the explosive substances and the auto was driven by one Rajesh and on enquiry, he stated that he was transporting the explosive substances to Binos, who was the resident of Kerala. In the remand report, it is stated that the petitioners were arrested by the police and the second petitioner Natarajan gave a confession and as per his confession, he purchased explosive substances from the first petitioner and handed over the same to Gopal @ Rajagopal and the same was transported in the auto bearing Regn. No.TN 37 BQ 5663 by rajesh and another person. It is also stated that the vehicle bearing Regn. No.TN 42 C 3839 was used by the first petitioner for transporting explosive substances and therefore, it is seen from the remand report that the petitioners used the vehicle bearing Regn. No.TN 42 C 3839 for transporting the explosive substances after purchasing the same from the first petitioner and therefore at this stage, it cannot be said that the police have wrongly arrested the accused. Hence I do not find any reason to quash the F.I.R. and the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

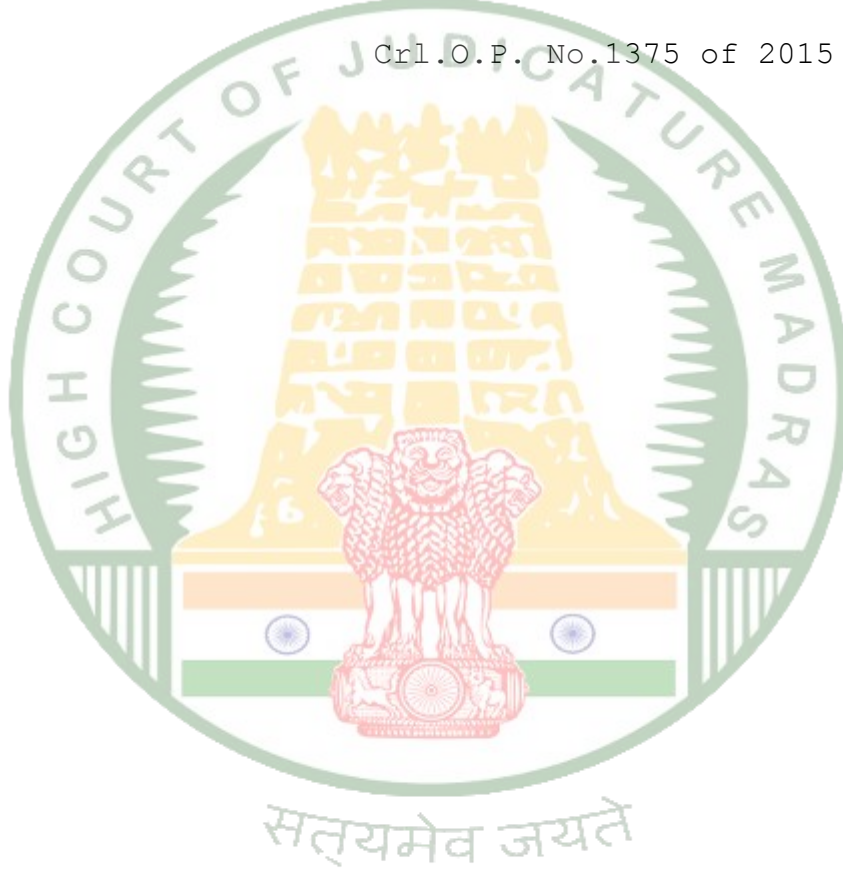
1.The Inspector of Police,
Madukkarai Police Station,
Madukkarai Taluk, Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

1 cc to M/s.R. Chellappa, Advocate, Sr. 7905

Crl.O.P. No.1375 of 2015

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