

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP. No.22567 of 2015

Mansoor Ali

.. Petitioner

Vs

1. The State - rep by
Inspector of Police
S-10, Pallikaranai Police Station
Chennai.

2. K.Sharifa

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Cr.No.993 of 2012 on the file of the respondent police and quash the same.

For Petitioner : Mr.M.Mohammed Rafi

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

ORDER

This petition has been filed to call for the records in Cr.No.993 of 2012 on the file of the respondent police and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is seen that on the complaint lodged by Sharifa, the respondent police have registered a case in Crime No.993 of 2012 on 25.12.2012 for offences under Sections 448, 323, 324, 294(b) and 506 (ii) IPC against four persons.

4. It is the case of the de facto complainant that on 21.05.2012, while she was at home, four persons barged into her house and brutally assaulted her father Mohammed Haji, on account of which he suffered very serious injuries. It appears that Mohammed Haji was hospitalised for about 40 days with head injuries. The police arrested four persons and from the confession statement of the arrested accused, A5 and A6 were arrested. After the arrest of A6, based on his confession statement, the police were looking out for this petitioner, who is none other than the son-in-law of Mohammed Haji and the sister's husband of Sharifa.

5. Apparently, this petitioner was abroad and a look out circular was issued for his apprehension, on account of which he was nabbed when he entered India. Now, the investigation is pending and the First Information Report discloses sufficient materials for the police to proceed further.

6. The learned Additional Public Prosecutor submits that the offences have been altered to Sections 147, 148, 452, 307, 294(b) and 506(ii) read with Section 34 IPC.

7. The learned counsel for the petitioner submits that since the petitioner and the de facto complainant are close relatives, there is every possibility of the parties arriving at a settlement.

8. Since there are sufficient materials in the First Information Report for the investigation to proceed, the same cannot be quashed in the light of the law laid down by the Supreme Court in State of Haryana vs. Bhajan Lal [AIR 1992 SC 604]

In the result, this petition stands dismissed.

Gms

Sd/-
Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The State - rep by
Inspector of Police
S-10, Pallikaranai Police Station
Chennai.

2. The Public Prosecutor,
High Court, Madras.

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VSN(CO)
sd : 04/11/2015