

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2015

CORAM:

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P.No.6064 of 2015

And

M.P.No.1 of 2015

B.Karthick

... Petitioner / Accused

Vs.

State rep. by:

Inspector of Police

S.2, Airport Police Station,

Chennai - 600 027.

(Crime No.132/2012).

... Respondent / Complainant

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records and quash the proceedings as against the petitioner in C.C.No.408 of 2012 pending on the file of Judicial Magistrate, Alandur, Chennai - 600 016.

For Petitioner : Mr.D.Prasanna

For Respondent : Mr.M.Maharaja

Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

2.This petition is filed to quash the charge sheet in C.C.No.408 of 2012 on the file of the learned Judicial Magistrate, Alandur, Chennai.

3.The petitioner was charge sheeted for offence under Section 381 of IPC. The case of the prosecution is that the petitioner is working in the Export Cargo Complex, Air India Air Transport Service and on 10.04.2012, he committed theft of three export quality T Shirts and he was caught red handed by the Force Security Guard by name Paneer Selvam and on the basis of the complaint, the petitioner was arrested and charge sheet was filed.

4.The learned counsel for the petitioner submitted that the employer has not given any complaint and no recovery was made in the

presence of police and no independent eye witnesses were examined and therefore, it is a clear case of false implication and even though the police recorded confession given by the petitioner, the said confession cannot be accepted as there was no recovery pursuant to confession. He therefore submitted that the case is liable to be quashed.

5.I am unable to accept the contention of the learned counsel for the petitioner. As stated supra, the petitioner while serving in the company committed theft of three export quality T Shirts and kept in his bag and that was found by the Security Guard in his usual course of checking the luggage of the petitioner and the petitioner also confessed the same and the T Shirts were recovered pursuant to the confession and the said Paneer Selvam has also given statement before the Investigating Officer to the same effect and the confession given by the petitioner was spoken to by one witness Roshan Kumar.

6.As prima facie case has been made out for filing charge sheet and charge sheet has been filed, I do not find any reason to quash the charge sheet. Hence, this criminal original petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/  
Asst.Registrar

/true copy/

Sub Asst.Registrar

pri

To

1.The Inspector of Police  
S.2, Airport Police Station,  
Chennai - 600 027.

2.The Public Prosecutor, High Court, Madras.

+1 CC to Mrs.D.PRASANNA, Advocate, SR.No.13972.

CrI.O.P.No.6064 of 2015  
And  
M.P.No.1 of 2015

RR 26/03/2015  
SR[CO]