

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2015

CORAM:

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

CrI.O.P.No.6173 of 2015

And

M.P.No.1 of 2015

Madhan

...Petitioner

Vs.

State represented by

1. The Inspector of Police
R-5, Virugambakkam Police Station
Chennai Police

2. R.Boopathy

...Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records and quash the FIR in Crime No.1811 of 2014 on the file of the respondent Police Station in so far as the petitioner is concerned.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondents : Mr.M.Maharaja for R1
Additional Public Prosecutor

सत्यमेव जयते
ORDER

This petition is filed to quash the FIR in Crime No.1811 of 2014.

2.It is submitted by the learned counsel appearing for the petitioner that in the FIR given by the defacto complainant Boopathy no person has been named and it has been stated that two persons who can be identified followed him and they cut the injured. Thereafter, the injured was examined by the police in the hospital and he gave the statement that he had previous enmity with Suresh alias Pattarai Suresh alias Micheal and when he was coming on 16.10.2014 along with Boopathy, Suresh alias Pattarai Suresh attacked him with knife. He

therefore submitted that as per the statement of the victim one Suresh attacked the injured. He further submitted that the said Suresh alleged to have given confession wherein he has implicated the petitioner and the confession is a evidence and except the confession, there is no evidence available against the petitioner and therefore, the FIR has to be quashed against the petitioner.

3.I am unable to accept the contention of the learned counsel appearing for the petitioner. No doubt it is true from the statement of the injured that he has not implicated the petitioner. However, the said Pattarai Suresh caused injury and the injured has given confession, wherein, he has implicated the petitioner. The investigation is under progress and if the police is not able to get any material to implicate the petitioner except the confession, petitioner is entitled to discharge and if the police were able to get any material against the petitioner that has to be considered for filing charge sheet. Hence, at this stage, it cannot be stated that there is no material as against the petitioner as the matter is under investigation.

4.Hence, this criminal original petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

pri

To

1. The Inspector of Police
R-5, Virugambakkam Police Station
Chennai Police.

2. The Public Prosecutor
High Court, Madras.

1 CC to Mr.A.M.Rahamath Ali, Advocate SR.No. 14278

Cr1.O.P.No.6173 of 2015
And M.P.No.1 of 2015

KGK (CO)
PSI (25.03.2015)