

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2015

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THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P.No.7266 of 2015

and

M.P.No.1 of 2015

A.Vijay Kumar

.. Petitioner

vs.

1. State of Tamil Nadu
Rep. By its
The Inspector of Police,
D-4 Otteri Police Station,
Kancheepuram District.
Crime No.384 of 2014

2. Mr.Paranthaman,
Special Sub-Inspector of Police,
D-4 Otteri Police Station,
Kancheepuram District.

... Respondents

Criminal Original Petition filed under section 482 of Criminal Procedure Code praying to call for the entire records comprised in Crime No.384 of 2014 pending on the file of the Inspector of Police, D-4, Otteri Police Station, Kancheepuram District and quash the same.

For Petitioner : Mr.Vimal B.Crimson

For Respondents: Mr.M.Maharaja
Addl. Public Prosecutor.

ORDER

This petition is filed to call for the entire records comprised in Crime No.384 of 2014 pending on the file of the Inspector of Police, D-4, Otteri Police Station, Kancheepuram District and quash the same.

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

3. The petitioner is A1 in Crime No.384 of 2014 on the file of the respondent police. It is submitted by the learned counsel for the petitioner that a case has been foisted against the petitioner for offence under Section 399 IPC by the respondent police and the petitioner is studying SSLC and in the absence of any complaint given by person, the Sub Inspector of Police foisted the case as if when he was going for rounds, he saw the petitioner along with the other accused and they were preparing to commit dacoity and when they were called, the petitioner gave voluntary confession and the confession was also recorded by the very same, Sub Inspector of Police, who register the FIR, in the absence of any independent witnesses. He therefore, submitted that a false case has been foisted against the petitioner has to be quashed.

4. I am unable to accept the contention of the learned counsel for the petitioner. As per the allegation made in the FIR, the Sub-Inspector of Police while going on rounds, he found that the accused persons were preparing to commit dacoity and they were armed with weapons and when they were surrounded, the petitioner gave a confession. Whether the confession stated in the FIR is true or not has to be considered during trial. Hence, at this stage, I do not find any material to quash the FIR. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

vsm

-s/d-

Assistant Registrar(J)

Dt:6/4/2015

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
D-4 Otteri Police Station,
Kancheepuram District.
Crime No.384 of 2014
2. Special Sub-Inspector of Police,
D-4 Otteri Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

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