

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.12672 of 2016

and Crl.MP.No.6961 of 2016

K.Sekar .. Petitioner
Vs

1.The State rep. by its
Sub-Inspector of Police,
Arani Police Station,
Thiruvannamalai District.
(In Crime No.400 of 2015)

2.P.Vetrivel .. Respondents

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C., praying to quash the First Information Report in Crime
No.400 of 2015 on the file of the first respondent.

For Petitioner : Mr.M.Palanimuthu
For Respondent[R1]: Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to
quash the FIR in Crime No.400 of 2015 on the file of the first
respondent-Police.

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

3. It is seen that on 19.12.2015, the respondent-
Police received intimation from Government Hospital, Arni, that
one Vetrivel, S/o.Prakash, has been admitted into the hospital
in a Medico-legal case. Pursuant to the intimation, the police
went to the hospital and recorded the statement of Vetrivel. In
his statement, Vetrivel has stated that on 19.12.2015, around

10.00 hrs. in the morning, he was waylaid by six persons, who attacked him brutally and caused serious head injuries. The said Vetrivel has named the six persons, of which, the petitioner herein is the sixth accused. Based on the statement of Vetrivel, the Sub-Inspector of Police, Arni Town Police Station, registered a case in Crime No.400 of 2015 at 1400 hrs. for offences under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC. and arrested three accused including the petitioner herein, and produced them for remand before the learned Judicial Magistrate, Arni at 9.35 p.m. on 19.12.2015, who remanded them to judicial custody. Challenging the FIR, the petitioner is before this Court.

4. Mr.M.Palanimuthu, learned counsel appearing for the petitioner submitted that the petitioner is working as an Office Assistant in Arni Municipality and that on 19.12.2015 itself, he has been placed under suspension by the proceedings of the Commissioner of Municipality, on the ground that he has been arrested in Crime No.400 of 2015 and was remanded to judicial custody.

5. The learned counsel for the petitioner has further submitted that 19.12.2015 is a Saturday and that, it was an holiday. Otherwise also, the Office of the Municipality will close at 5.45 p.m. But, whereas, the petitioner was produced before the learned Judicial Magistrate only at 9.35p.m. on 19.12.2015, and strangely the suspension order states that the petitioner has been remanded to custody. Therefore, he contended that the entire case has been stage managed by the police in collusion with the opposite party, in order to wreak vengeance against the petitioner.

6. This Court is indeed surprised at the alacrity in which the petitioner has been placed under suspension by the authorities, even before he was produced before the Judicial Magistrate, Arni, for remand. This singular aspect may make the suspension order questionable. However, this cannot be a reason to quash the FIR, in the light of the specific averment made by the victim that the petitioner had also assaulted him with others.

7. Taking into consideration the facts and circumstances of the case, this Court directs the Inspector of Police, Arni Police Station, Tiruvannamalai District, to conduct investigation in Crime No.400 of 2015 and that the Deputy Superintendent of Police, Tiruvannamalai District, shall monitor the investigation, and if it is found that this petitioner has been falsely implicated in the case, it is needless to state that his name should be deleted in the final report.

With the above direction, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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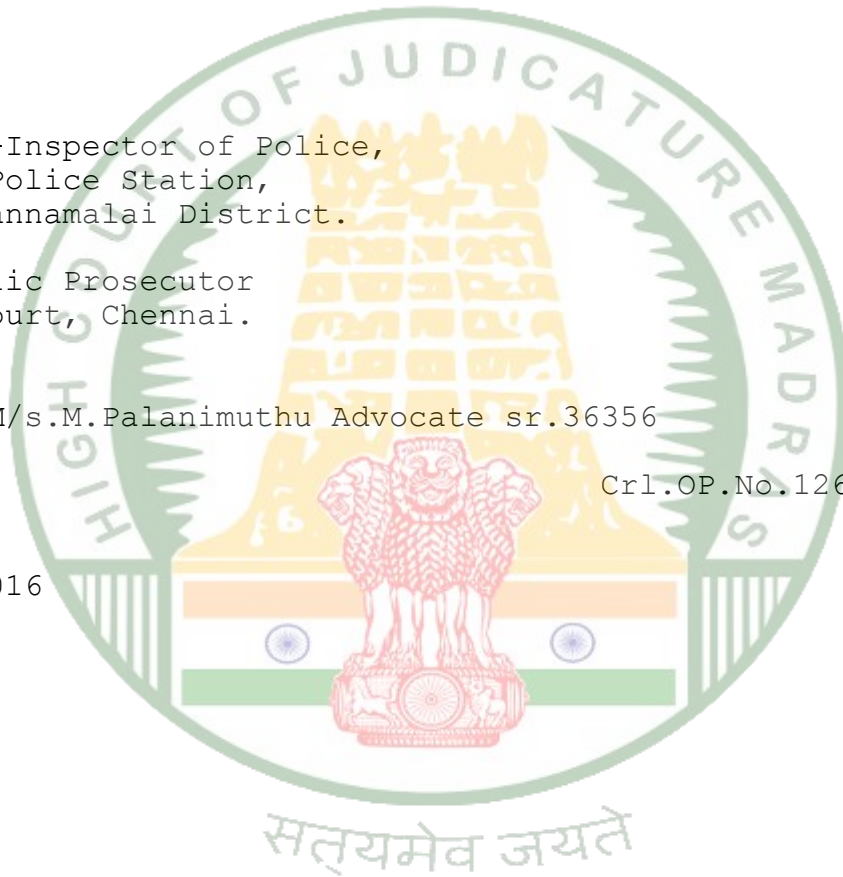
1.The Sub-Inspector of Police,
Arani Police Station,
Thiruvannamalai District.

2.The Public Prosecutor
High Court, Chennai.

+1 cc to M/s.M.Palanimuthu Advocate sr.36356

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