

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. No.22938 of 2011

1 J. Joseph Samuvel
2 J. Benjamin
3 Murali Petitioners/Accused A1 to A3

vs.

1 State represented by:
The Inspector of Police
T-1, Ambattur Police Station
Ambattur
Chennai 600 053
(Cr. No.789 of 2011) 1st Respondent/Complainant

2 S. Rajan 2nd Respondent/Defacto Compalainant

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records relating to Crime No.789 of 2011 dated 21.08.2011 on the file of T-1 Ambattur Police Station, Chennai 53 and quash the same.

For petitioners Mr. K. Murali Babu

For R1 Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records relating to Crime No.789 of 2011 dated 21.08.2011 on the file of T-1 Ambattur Police Station, Chennai 53 and quash the same.

2 On the alleged complaint by one Rajan, the second respondent herein, the first respondent police registered a case in Crime No.789 of 2011 on 22.08.2011 under Sections 342, 384, 323 and 506(ii) IPC against the petitioners herein, challenging which, the petitioners are before this Court.

3 On a reading of the FIR, it is seen that the de facto complainant is running a waste paper mart in Ambattur. On 21.08.2011, one Joseph Samuel (A1), who is said to be the Secretary of a political outfit, had come with his henchmen to the waste paper mart of the de facto complainant and had taken away 60 kgs. of copper scrap materials, a two wheeler, viz., TVS XL Super and a mobile phone, after assaulting the de facto complainant and also intimidating him. It is also stated that they had abducted the de facto complainant in a car and had kept him in illegal confinement.

4 Since the complaint prima facie discloses commission of cognizable offence, the same cannot be quashed in the light of the law laid down by the Supreme Court in State of Haryana and others vs. Bhajan Lal and others [1992 Supp. (1) SCC 335].

Resultantly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1 The Inspector of Police
T-1, Ambattur Police Station
Ambattur
Chennai 600 053

2 The Public Prosecutor
Madras High Court
Chennai - 600 104

tm(CO)
cp(28/12/2016)

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