

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2016

CORAM:

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

Crl.O.P. No.15314 of 2016 & Crl.M.P. No.7567 of 2016

B. Balakrishnan

.... Petitioner

Vs

1. State represented by
The Superintendent of Police
Perambalur District,
Perambalur.
 2. The Deputy Superintendent of Police
Jayankondam
Perambalur District
 3. The Inspector of Police
Jayankondam Police Station
Jayankondam, Perambalur District
- Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash all further proceedings in Crime No.200 of 2003 on the file of the Inspector of Police, Jayankondam.

For petitioner : Ms. Y. Kavitha

For respondents: Ms. C. Emalias

Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records and quash all further proceedings in Crime No.200 of 2003 on the file of the Inspector of Police, Jayankondam.

2. On the complaint given by R. Rajendran, Inspector of Police, Jayankondam Police Station, a case in Jayankondam P.S. Crime No.200/2003 was registered on 04.04.2003 for offences under Section 41(2) and 102 Cr.P.C. read with Sections 4 and 5 of the Explosive Substances Act against one Balakrishnan and Sandhanasamy, challenging which, Balakrishnan is before this Court. It is reported that Sandhanasamy is no more.

3. The learned counsel for the petitioner submitted that though the FIR was registered in the year 2003, till date, the police have not conducted investigation in the case, because, the entire case has been engineered by Christo Raj with whom, the petitioner's friend's father, has had several civil disputes.

4. On a reading of the FIR, it is seen that on 04.04.2003, when the Inspector of Police was on patrol duty, he intercepted a Hero Honda motorbike driven by this petitioner with Sandhanasamy on pillion and on suspicion, when the motorbike was checked, the police recovered one country-made bomb. When questioned, the petitioner is said to have confessed to the police that he was carrying the bomb to explode Christo Raj's marriage hall.

5. The learned counsel for the petitioner brought to the notice of this Court that in respect of same allegation, a case in Cr.No. 199/03 was registered by the respondent police and final report was filed in CC No.649/2003 before the Judicial Magistrate, Jayankondam, in which, trial was held and the petitioner was acquitted on 23.04.2015.

6. On a perusal of the judgment in C.C. No.649/2003, it is seen that it almost relates to the same set of facts for which FIR in Crime No.200/2003 has been registered.

7. In view of the above, this Court is of the considered opinion that the registration of FIR in Crime No.200/2003 deserves to be quashed on the ground that, till date, the respondent police have not completed the investigation and for the same set of facts, the petitioner has undergone trial and was acquitted in CC No.649 of 2003 in Crime No.199 of 2003.

In the result, the proceedings in Cr. No.200 of 2003 is quashed and this Criminal Original Petition is allowed. Connected CrI.M.P. is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police
Perambalur District
Perambalur

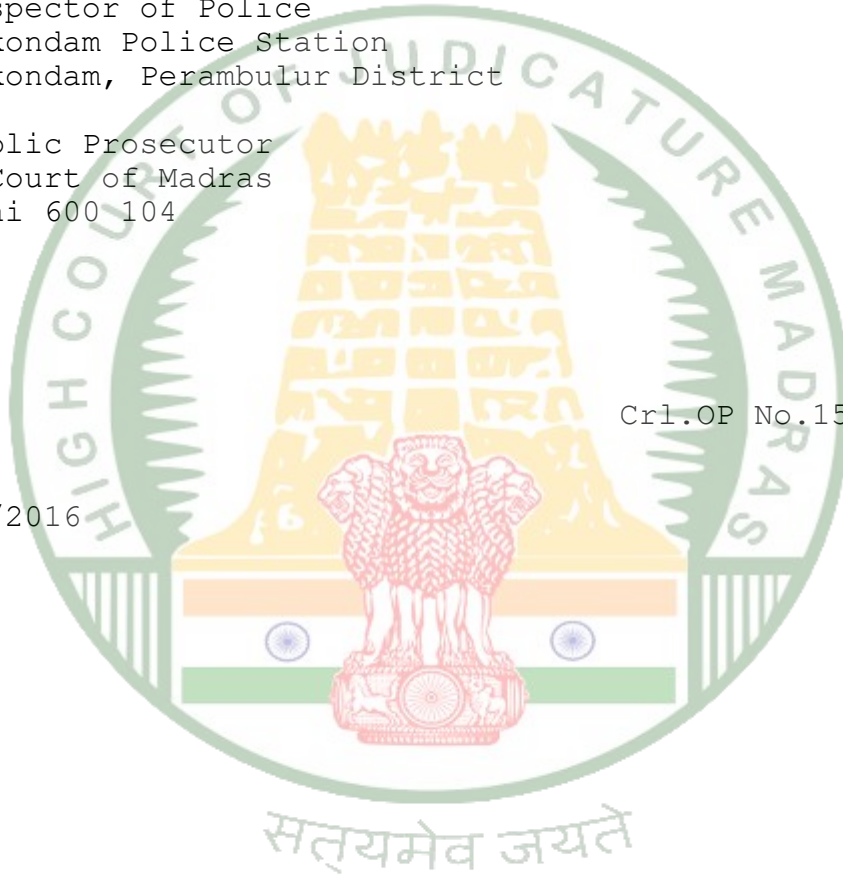
2. The Deputy Superintendent of Police
Jayankondam
Perambalur District

3. The Inspector of Police
Jayankondam Police Station
Jayankondam, Perambalur District

4. The Public Prosecutor
High Court of Madras
Chennai 600 104

Crl.OP No.15314 of 2016

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