

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.19137 of 2016

and

CRL.MP.No.8997 of 2016

K.Srinivasa Pandian

... Petitioner

Vs

1.State represented by,
The Sub-Inspector of Police,
Ukkadam Police Station,
in Crime No.64 of 2015
Coimbatore District.

2.Sundarsamy, (M/63)
S/o.Arunachala Gounder,
1/50, Muthualipalayam,
Muthu Goundan Pudur,
Soolur Taluk,
Coimbatore District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in Crime No.64 of 2015 on the file of the 1st respondent and to quash the same.

For Petitioner : Mr.T.Padmanabhan

For 1st Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the First Information Report in Crime No.64 of 2015 on the file of the Sub-Inspector of Police, Ukkadam Police Station, Coimbatore.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor for the 1st respondent and perused the materials placed on record.

3. On reading of the complaint, there was an attempt to pick the pocket of the second respondent/defacto complainant, while he was traveling in a bus on 02.02.2015 and that the second respondent/defacto complainant and public caught hold of the pick-pocket and hand him over to the police.

Thereafter, the Police have registered a case in B12, Ukkadam Police Station, Crime No.64 of 2015 under Section 379 of IPC on 02.02.2015 against K.Srinivasa Pandian, the petitioner herein. To quash which, the petitioner is before this court.

4. Learned counsel for the petitioner submitted that in the disciplinary proceedings Sundarsamy (second respondent/defacto complainant) appears to have given evidence, wherein, he has stated that he does not know who the pick pocketer is.

5. Learned counsel contended that the FIR in Crime No.64/2015 is a put up case, on account of the rivalry between two police officials.

6. Be that as it may, when the FIR discloses the commission of cognizance offence, the same cannot be quashed in the light of the law laid down by the Hon'ble Supreme Court in State of Haryana Vs Bhajan Lal 1992 Supp [1] SCC 335. However, taking into consideration the facts and circumstances of this case, it will be in the interest of justice, if the Deputy Superintendent of Police is directed to conduct investigation in Crime No.64 of 2015 and if it is found that the petitioner has been falsely implicated, it is needless to state that the case against him shall be closed. With the above direction the petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rm

To

1. The Deputy Superintendent of Police,
Incharge of Ukkadam Police Station,
Coimbatore District.

2. The Sub-Inspector of Police,
Ukkadam Police Station,
Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Padmanabhan, Advocate, S.R.No.48608

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PPA (CO)
CA (14/09/2016)

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