

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.22987 of 2016

T.Raja

...Petitioner

Vs.

1. The Inspector of Police,
Meensurutty Police Station
Ariyalur District.

2. A.Bharathidasan

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for records in the FIR in Crime No.49/2016, on the file of the Respondent Police registered alleged offence u/s 380 & 381 on the complaint lodged by the defacto complainant dated 07.02.2016 to quash the said FIR.

For Petitioner : Mr.T.R.Shanmugam

For R1 : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking the following prayer : "to call for records in the FIR in Crime No.49/2016, on the file of the respondent police registered alleged offence under Section 380 & 381 on the complaint lodged by the defacto complainant dated 07.02.2016 and to quash the said FIR."

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. There was no representation for the petitioner on 07.10.2016, 20.10.2016 and 24.10.2016. Hence, the matter was directed to be posted "for dismissal" today and even today, there was no representation for the petitioner. Hence, this Court perused the records and passes the order.

4. On the complaint lodged by A.Bharathidasan, Assistant Engineer, Electricity Board, Papakudy, Ariyalur, the 1st respondent police registered a case in Crime No.49/2016 on 07.02.2016 under Section 380 IPC challenging which, T.Raja, the petitioner is before this Court.

5. It is the case of the de-facto complainant that 5 nos. of Copper Blades (Air valve Key) valued at Rs.70,389/- that are used by the Electricity Board in transformers were found missing in the unit on 06.02.2016 and hence the FIR.

6. During the course of investigation, the police came to know that one Balaguru, a local thief had committed the offence in collusion with Raja, the petitioner herein and Rayapillai, (A2) who were employees of the Electricity Board. The police arrested Raja, the petitioner herein and Rayapillai (A2) and they were remanded to judicial custody by the Judicial Magistrate, Jayankondam on 10.02.2016. Challenging the FIR in Crime No.49/2016, Raja (A1) has filed the present petition.

7. It is the case of Raja that this case has been foisted against him by the police in collusion with his superiors. That apart, he has contended that he was beaten by the police, while he was in custody and that the Judicial Magistrate had also noticed some injuries in his left leg.

8. This Court gave its anxious consideration to the grounds raised by Raja in his petition.

9. In State of Haryana Vs Bhajan Lal [(1992) Supp [1] SCC 335], the Supreme Court laid down the parameters for quashing the FIR and facts in this case do not pass muster the law laid down therein. The complaint which forms the basis of FIR has been given by the Assistant Engineer of the Electricity Board and he has not named anyone in his complaint. This, itself negatives the plea that the case has been foisted against Raja by the Electricity Board officials. In fact, the role of Raja and Rayapillai came to light only during the course of investigation. Learned Additional Public Prosecutor submitted that the main accused Balaguru is yet to be apprehended.

10. In the light of the aforesaid facts, this Court is of the view that this is not a fit case to quash the FIR.

Accordingly, this petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

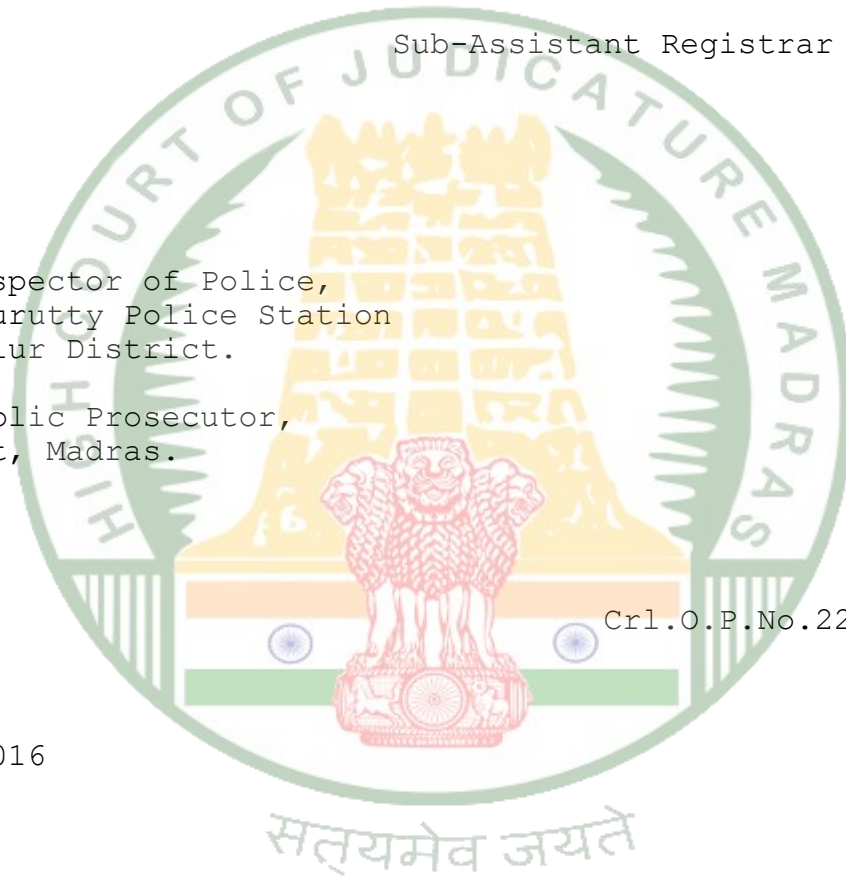
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To

1. The Inspector of Police,
Meensurutty Police Station
Ariyalur District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.22987 of 2016

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