

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.6363 of 2016
and
Crl.M.P.No.3284 of 2016

Viswanathan

.. Petitioner/A.2

.. Vs ..

State : Represented by,
Inspector of Police,
B1, Tiruvallur Police Station,
Crime No.58 of 2016
Tiruvallur District.

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records and quash the First Information Report in Crime No.58/2016, on the file of the respondent.

For Petitioner : Mr.T.A.Narendar

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

ORDER

The petitioner has come forward with the present petition seeking to quash the First Information Report in Crime No.58/2016, registered by the respondent police for an offence punishable under Section 399 of IPC.

2. At the time of admission, the arguments of the learned counsel for the petitioner were heard at length. This Court has also heard the submissions made by the learned Additional Public Prosecutor and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner's name is found place in the FIR and he was arrayed as A.2. It is further submitted by the learned counsel that mere assemble will not attract the ingredients of the offence under Section 399 of IPC and further, the averments in the FIR are not sufficient to constitute the said offence and hence, the petitioner has come up with the present petition for the relief as stated above.

4. A perusal of the typed-set of papers would go to show that the alleged occurrence is said to have taken place on 08.02.2016 at 3.30 a.m. and the case has been registered on the same day at 5.00 p.m. and the petitioner was got red-handed along with three others. The complaint has been registered on 08.02.2016 for the offence under Section 399 of IPC and the present petition seeking to quash the FIR in Crime No.58/2016 has been filed on 14.03.2016. Therefore, I am of the view that it is premature to consider the petition at this stage. Hence, this Criminal Original Petition is dismissed, as it is premature. Consequently, the connected miscellaneous petition is closed.

Jrl

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
B1, Tiruvallur Police Station,
Crime No.58 of 2016
Tiruvallur District.
 2. The Public Prosecutor,
High Court, Madras.
- + 1 cc to M/s.R.John Sathyan, Advocate SR 18431

sai(co)
prk7/4

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