

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM

THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

CRL.O.P.No.14010 of 2011 and
M.P.No.1 of 2011

R.Padmanabhan

.. Petitioner

Vs

The Inspector of Police,
Tiruppur Rural Police Station,
Tiruppur.

.. Respondent

PRAYER: Petition under Section 482 of the Code of Criminal Procedure, to call for all the records and quash all the proceedings in S.T.C.No.904 of 2011 pending on the file of the learned Judicial Magistrate No.II, Tiruppur.

For Petitioner : Mr.P.Kumaresan

For Respondent : Mr.P.Govindarajan
Addl. Public Prosecutor

ORDER

This criminal original petition is preferred by the petitioner/accused A4 for quashing the final report in S.T.C.No.904 of 2011 pending on the file of the learned Judicial Magistrate No.II, Tiruppur.

2.Brief case of the petitioner/accused A4 is that:

The facts of the case is that on 02.04.2011 at about 2.30 A.M. in DBN Garden outpost, Tarapuram Road, Tiruppur, the respondent/complainant had routine checkup and found, a Echier mini Lorry bearing the name City Express Parcel (TN 66 7812) was intercepted and on checking in was found to contain 112 polythene bags each containing 250 pieces of yellow banian with the recognized party flag printed in it. The vehicle was seized along with the contra band and now the respondent had filed the final report impleading the petitioner as the 4th accused for the alleged offences under sections 171H ,188 and 171-B r/w 171-E IPC and 123 and 133 of Representation of Peoples Act 1951.

3.The learned counsel for the petitioner/Accused A4 submits that he is working as a Manager in the office at Chennai on monthly remuneration. The employment of the petitioner is the

office is in accordance with the law and procedure and the employment is duly governed only by the employee employer relationship and nothing more than that. The appointment is purely to carry out the administrative work and could not participate other than that.

4.The learned counsel for the petitioner/Accused A4 submits that the respondent had not stated anything relating to the corrupt practice with material evidences and had only filed the charge sheet implicating the petitioner as one of the accused.

5.The learned counsel for the petitioner/Accused A4 submits that the charge sheet does not contain any evidences of involvement of the contra band seized for illegal purpose and only with the seizure, the charge sheet had been filed.

6.The learned counsel for the petitioner/Accused A4 submits that the recognized party had filed the account before the concern authority and even without verifying the same present charge sheet had been filed.

7.The learned Additional Public Prosecutor for the respondent opposed the prayer of the petitioner/accused.

8.I heard Mr.P.Kumaresan, learned counsel for the petitioner and Mr.P.Govindarajan, learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

9.Admittedly, in the case on hand, except seizure, no other material particulars warranting the petitioner/accused A4 was filed by the investigation officer in the final report. Further there is no statement pointing the evidences relating to the contraband seized for illegal purpose. Therefore, even the petitioner/accused is put on trial, no purpose would be done.

10.In the result:

(a) this criminal original petition is allowed;

(b) the final report filed by the respondent/complainant against the petitioner/accused in S.T.C.No.904 of 2011 on the file of the learned Judicial Magistrate No.II, Tiruppur is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Judicial Magistrate No.II,
Tiruppur.

2.The Inspector of Police,
Tiruppur Rural Police Station,
Tiruppur.

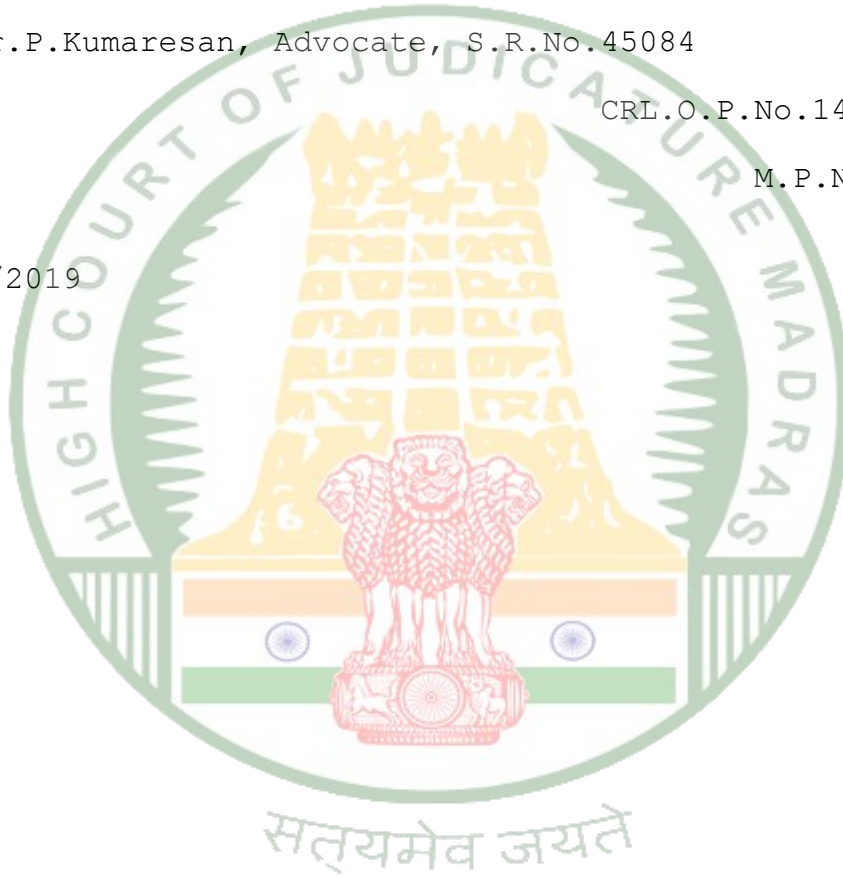
3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.P.Kumaresan, Advocate, S.R.No.45084

CRL.O.P.No.14010 of 2011
and
M.P.No.1 of 2011

LN(CO)

rrs 07/03/2019



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