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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P. (MD) No.21491 of 2015

and

M.P. (MD) No.1 of 2015

Pulamuthu

: Petitioner

-Vs-

1.The Inspector of Police,
Pudukkottai Police Station,
Tuticorin District.

: 1st Respondent /
Complainant

2.Leelipushpam,
Headmaster,
Government Hr. Sec. School,
Mudivaithanendal - 628 102,
Tuticorin District.

: 2nd Respondent / De-facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the FIR No.252 of 2015, dated 15.09.2015 on the file of the Pudukkottai Police Station, Tuticorin District insofar as the petitioner is concerned.

For Petitioner : Mr.A.Thirumurthy

For Respondent 1 : Mr.K.S.Durai Pandian
Additional Public Prosecutor

For Respondent 2 : No appearance

O R D E R

This petition is filed to quash the FIR in Crime No.252 of 2015, dated 15.09.2015 on the file of the Pudukkottai Police Station, Tuticorin District insofar as the petitioner is concerned.

<https://hcservices.ecourts.gov.in/hcservices/>

2.In this case, a complaint was lodged by the second



respondent for offences under Section 380 I.P.C. The complaint is that in the premises of the school, five lap-tops and three bags which were put inside the room was found missing. Therefore, a complaint was lodged for theft of articles. In the complaint, some of the persons who are working in the school including the petitioner's name were given as suspects. One of the persons who is also working in the school is the petitioner. The contention of the learned counsel for the petitioner is that unless the person against whom the allegation made is found to be in possession of the stolen article, Section 380 I.P.C. is not attracted. The complaint is only about the incident of theft. There is no specific allegation against the petitioner that he had committed theft but his name was shown as one of the suspects. It is only after enquiry, charge sheet will be filed. If he is found to be involved in any offence as an accused, further investigation will be proceeded in accordance with law. The contention of the petitioner's counsel has no merit. Therefore, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL. SIDE)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Pudukkottai Police Station,
Tuticorin District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s. A.THIRUMURTHY Advocate in SR. No. 86292

+1cc to M/s.R.T.ARIVUKUMAR Advocate in SR. No. 86598

SRM

JS/JC/SAR.2/4.12.2017/2P-5C