



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASHCRL.O.P. (MD) No. 7402 of 2017

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Perumal : Petitioner/Accused No.2

-Vs-

1.State rep. by

The Inspector of Police,
Appanthirupathy Police Station
Madurai District.

: Respondent/Complainant

2.M.Ashok Kumar

: 2nd Respondent/Defacto complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in Crime No.1024 of 2014 on the file of the respondent police and quash the same.

For Petitioner : Mr.P.Muthu Vijaya Pandian

For Respondents : Mr.K.Anbarasan

Government Advocate (Crl.Side)
for R.1O R D E R

On the complaint lodged by by one Ashok Kumar, the respondent police has registered a case in Crime No.1024 of 2014 on 16.09.2014 for the offence under Sections 364(A), 506(ii) IPC r/w 27 Indian Arms Act against one Thanga Narayanan and 7 others. Challenging which, Perumal/A2 has filed the present quash petition.

2. Heard Mr.P.Muthu Vijaya Pandian, learned counsel for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Criminal Side) for the first respondent.

3. On a reading of the First Information Report, it is seen that there was a money dispute between Chockalingam (brother of Ashok Kumar) and one Thanga Narayanan in respect of some property transaction. While so, it is alleged that on 16.09.2014, Thanga Narayanan came in a Cheverlet Tevera Car bearing Registration No. TN-67-B-1668 along with 7 persons into the house of Ashok Kumar where his brother Chockalingam is available. The driver of the car was waiting outside and the gang led by Thanga Narayanan entered into the house with deadly weapons and after threatening the inmates, pulled Chockalingam and abducted him in the waiting car.

<https://hccourts.gov.in/eservices> First Information Report.



4. The learned counsel for the petitioner submitted that the petitioner is a driver in TNSTC and he is also owner cum driver of TN-67-B-1668 Travera Car. Thanga Narayanan had engaged the services of Perumal to go to the house of Ashok Kumar. That Perumal did not know anything about the offence and he was simply waiting in the car thinking that Thanga Narayan has gone to meet some one. After Thanga Narayan and his gang forcibly brought Chockalingam into the car Perumal realises that something is wrong and stopped the car and ran away. Therefore, the learned counsel for the petitioner submitted that the First Information against Perumal/A2 should be quashed.

5. Per contra, the learned Government Advocate refuted the contentions.

6. On a reading of the First Information Report, it seen that the name of Perumal has not been given by Ashok Kumar, the defacto complainant, because Ashok Kumar knew only Thanga Narayanan. In the First Information Report, it is clearly stated that Thanga Narayanan came with 7 others and that Ashok Kumar can only identify others who came along with Thanga Narayanan, but he does not know their name. At the time when the First Information Report was given Ashok Kumar did not know the name of the driver of the Tevera Car. Only during investigation, the police have found that Perumal was the driver of the said car at the relevant point of time. Thus, the contention that Perumal stopped the vehicle and run away is a disputed fact, which does not find a place in the First Information Report. This event must have happened after the abduction of Chockalingam by the gang. Therefore, it is for the police to conduct a thorough investigation and if it is found that Perumal was not an accomplice or had abetted in the offence of abduction, it is needless to state that the prosecution against him should be dropped and he should be taken as a prosecution witness. If it is found that Perumal was aware of the act of the gang, he cannot simply escape criminal liability by saying that he was only waiting in the car.

7. It is seen that, this incident had taken place in the year 2014, and till date no progress. In such circumstances, this Court directs the Deputy Superintendent of Police, Oomachikulam, to closely monitor the investigation in Appanthirupathy Police Station Crime No.1024 of 2014 and if during investigation if it is found that Perumal was innocent, it is needless to state that prosecution against him should be dropped. If it is found otherwise, Perumal should have to face the music.

8. With the above direction, this criminal original petition is dismissed.

Sd/-

Assistant Registrar(AE)



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1.The Deputy Superintendent of Police,
Oomachikulam, Madurai District

2.The Inspector of Police,
Appanthirupathy Police Station
Madurai District.

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

+One cc to Mr.P.Muthu Vijaya Pandian, Advocate, SR.No.61464

jikr

RL/5C/3P/MR/KKR/SAR3/5/7/2017

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