



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.9998 of 2017

and

CRL.MP.(MD).No.6844 of 2017

M.Fradic

...Petitioner/Accused No.1

Vs.

State represented by

1.The Sub Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
(Crime No.296 of 2017)

...Respondent/Complainant

2.Athimoolam,
Head Constable. 1609,
Kalakkad Police Station,
Tirunelveli District.

...Respondent/Defacto

Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of the Criminal Procedure code, to call for the records relating to Crime No.296 of 2017 dated 13.07.2017 on the file of the Sub Inspector of Police, Kalakkad Police Station, Tirunelveli District and quash the same as against the petitioner.

For Petitioner :M.S.Suresh Kumar

For 1st Respondent :Mr. K.Anbarasan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original petition has been filed for quashing the FIR relating to Crime No.296 of 2017, dated 13.07.2017 on the file of the Sub Inspector of Police, Kalakkad Police Station, Tirunelveli District.

2. The petitioner is the one of the accused as per the First Information Report. The de facto complainant, who is the Sub Inspector of Police, Kalakkad Police Station along with two other constables on a regular rounds and at that time, they got information regarding theft of sand at Pappankulam. It is further stated in the complaint that the petitioner along with one Vincent



Raj were illegally removing the sand using a Tractor bearing Registration No. TN 76 U 7045. It is further stated that one of the accused escaped from the scene and that the petitioner alone was caught and admitted that they were removing the sand illegally.

3. The case of the petitioner is that on the date of occurrence he was not at all in the scene and that the Tractor bearing Registration No. TN 76 V 7045 could not have been used as it was kept idle due to repair. It is further stated by the learned counsel for the petitioner that the petitioner has been victimized and a false case has been lodged as against the petitioner.

4. The learned counsel appearing for the petitioner pointed out several aspects which are relating to the probability of commission of any offence by the petitioner. He further submitted that the Tractor which was referred to in the complaint did not belong to him and that therefore, the complaint is unsustainable, in view of any involvement of the petitioner's Tractor in the commission of offence. The learned counsel appearing for the petitioner has also produced certain bills for repairing charges for the Tractor owned by the petitioner.

5. This Court, at the time of quashing the complaint is not expected to conduct a roving enquiry as to the probability of the case that was stated in the complaint. This Court is fully convinced that as per the complaint cognizable offences are made out as against the petitioner. The materials produced by the petitioner may support his case to defend the allegations made against him. This Court will not quash the criminal complaint only on the basis of probabilities or on the basis of the statement of the accused. Hence, this petition is dismissed.

6. The learned counsel appearing for the petitioner strenuously argued that the Tractor which was referred to in the complaint bears different registration number and that therefore, there is no possibility at all for the involvement of the petitioner's Tractor in the commission of offence. It is not necessary that the registration of the Tractor should match with the Registration of the Tractor as the Tractor and Tractor can be registered separately and therefore, the submission of the learned counsel appearing for the petitioner has no merit. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1.The Sub Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.

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

+1CC to Mr.M.S.Suresh Kumar, Advocate, SR.No. 76535

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das/trp
AM/MR KKR/SAR 2/20.09.2017/3P/4C