

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2018

CORAM

THE HONOURABLE JUSTICE MRS.R.HEMALATHA

CRL.O.P.No.28049 of 2015

T.Anandan

...petitioner

Vs

1.State Rep.

The Inspector of Police,
G-1, Vepery Police Station,
Chennai-600 112.

2.R.Janakiraman

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to quash the FIR.No.529 of 2015 dated 21.03.2015 of G-1, Vepery Police Station, Chennai against the Petitioner/Accused 4.

For Petitioner : M/s.Auxilia Peter

For R1 : Mr.T.Shunmugarajeswaran
Government Advocate

For R2 : Mr.V.Ramana Reddy

ORDER

The petitioner is arrayed as accused No.4 in Crime No.529 of 2015 of G-1, Vepery Police Station, Chennai for the alleged offences under sections 147, 294 (b), 341, 323, 448 and 506 (i) of IPC.

2. The Inspector of Police, G-1 Vepery Police Station, based on the complaint preferred by the 2nd Respondent/Defacto Complainant, has registered a FIR in Crime No.529 of 2015 of G-1 Vepery Police Station, for the aforesaid offences against the present petitioner as well as three other accused.

3.The learned Counsel for the petitioner contended that on the date of the alleged occurrence, the petitioner was in Singapore and that his name was included in the FIR, in Crime No.529 of 2015 of G-1 Vepery Police Station on a wrong legal advice.

4.The learned Government Advocate(Crl.Side) contended that the investigation in Crime No.529 of 2015

is concluded and the final report has also been filed before the II Metropolitan Magistrate, Egmore, Chennai in C.C.No.2719 of 2017 for the offences under sections 147, 294 (b), 341, 323, 448 and 506 (ii) of IPC r/w 149 of IPC against the present petitioner as well as the four other accused.

5. The contention of the petitioner that on the date of the alleged occurrence, he was in Singapore is a disputed question of fact, which cannot be gone into, at this stage and that too, in a petition filed under section 482 of Criminal Procedure Code. Further more, it is contended by the Government Advocate (Cr1.Side) that the investigation in Crime No.529 of 2015 is also concluded and a final report has been filed against the present petitioner as well as four other accused. Therefore, I do not find any reason to quash the entire case proceedings in Crime No.529 of 2015 in G-1 Vepery Police Station, Chennai.

6. The learned Counsel for the petitioner requested this Court to dispense with the personal appearance of the present petitioner before the trial Court as he is employed in Singapore. Considering the request made by the learned Counsel for the petitioner the personal appearance of the petitioner is dispensed with. However, the petitioner should appear before the concerned Magistrate as and when his presence is required.

7. With the above observations, this petition is dismissed.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

stm/ay

To
The Inspector of Police,
G-1, Vepery Police Station, Chennai-600 112.

2.The Public Prosecutor,
High court,
Madras

+1 C.C. to M/S. Auxilia Peter Advocate SR.NO. 50164

Cr1.O.P.No.28049 of 2015

ASK (23/08/2018)



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