

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.16813 of 2018

and Crl.M.P.No.8690 of 2018

M.Anbarasu

Petitioner

Vs

1. The Sub Inspector of Police,
E-3, Minjur Police Station,
Thrivallur District.
(Crime No.84/2012)

2. Marimuthu

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the entire records pursuant to the Crime No.84 of 2012 pending investigation on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.R.Suresh Kumar

For 1st Respondent : Ms.Kritika Kamal .P.

Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed to quash the proceedings in Crime No.84 of 2012 pending on the file of the 1st respondent.

2.Heard the learned counsel for the petitioner and the learned Government Advocate [Crl. Side] appearing for the 1st respondent and perused the materials placed on record.

3.On the complaint lodged by Marimuthu, the respondent Police have registered a case in Crime No.84 of 2012 on 20.02.2012 under Sections 147, 148, 341, 294[b], 323, 324, 506 [ii] and 307 IPC against five accused. For quashing which, A-3 is before this Court.

4.Learned counsel for the petitioner/A-3 submitted that there are no overt acts alleged against the petitioner and that, even in the FIR, the allegation is that the petitioner had attacked with a stick.

5.Per contra, learned Government Advocate [Crl.Side] refuted the contentions.

6.On reading of the FIR, it is seen that this petitioner along with other accused had attacked one Nelson and Milson and one Govindaraj had attacked the de facto complainant in the same transaction with a knife. Thus, there are prima facie materials in the FIR and hence, the same cannot be quashed, in the light of the law laid down by the Supreme Court in State of Haryana Vs Bhajan Lal reported in 1992 Supp [1] SCC 335. Therefore, this petition is devoid of merits and dismissed. However, the respondent Police is directed to complete the investigation in Crime No.84 of 2012 within three months from the date of receipt of a copy of this order and either file a closure report or a charge sheet as the case may be under due intimation to the de facto complainant. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gya

To

1. The Sub Inspector of Police,
E-3, Minjur Police Station,
Thrivallur District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Suresh Kumar, Advocate, S.R.No. 42395

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BM 11/07/2018