



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI OP(MD)No.12907 of 2018
and
CrIMP(MD)No.5857 of 2018

Raja @ Rocket Raja
@ Arumugapandiyan
@ Vivegananthan

... Petitioner/Accused Rank Not Known
Vs.

1.The State represented by
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
[Crime No.161 of 2018] ..Respondent/Complainant

2.Chinnappan ...Respondent/Defacto Complaint

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to admit this quash petition on file, to call for the records in Crime No.161 of 2018, on the file of the Inspector of Police, Thalaiyuthu Police Station, Tirunelveli District and quash the same.

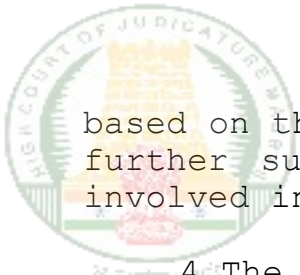
For Petitioner : Mr.K.Prabhu
For Respondent No.1 : Ms.S.Bharathi,
Government Advocate (CrI Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR pending in Crime No.161 of 2018.

2.The learned Counsel for the petitioner would submit that the respondent Police have registered an FIR in Crime No.161 of 2018 for the offence under Sections 294(b), 506(ii) and 353 IPC and Section 4 of TNPPDL Act, 1984. Subsequently, the FIR was altered into for the offence under Sections 294(b), 506(ii), 353, 120(B), 109, 34 IPC r/w 4 of TNPPDL Act.

3.The learned Counsel for the petitioner would submit that the name of the petitioner does not find place in the FIR and the petitioner has been roped in this case only based on the alleged confession made by A-1 and A-2. The learned Counsel for the petitioner would further submit that the petitioner was produced before the Court by way of PT warrant in another case. At that point of time, the respondent Police wanted to arrest the petitioner in the present case also. The learned Judicial Magistrate- III, Tirunelveli rejected the remand of the petitioner through PT warrant on the ground that the petitioner has been roped in the case only



based on the confession of the co-accused. The learned Counsel would further submit that there is no chance for the petitioner being involved in the alleged offence in this case.

4. The learned Government Advocate would submit that there are totally eight accused persons in this case and the part played by the petitioner has been spoken to in the confession statements given by A-1 and A-2. The case is at the stage of investigation and based on the confession, the respondent Police have found some more materials and the final report will be filed shortly by the respondent Police. Therefore, the learned Government Advocate would submit that at this juncture, this petition to quash FIR should not be entertained.

5. It is true a person cannot be made as an accused merely based on the confession made by the co-accused. However, this principle of law will not apply when the case is at the stage of FIR. In many of the cases, it is only based on the confession of the accused, the investigation proceeds further and material facts are found out during further investigation. In the present case, admittedly there is a confession made by A-1 and A-2 with regard to the role played by the petitioner. The respondent Police is investigating the case based on the confession and the materials that are going to be placed against the petitioner will be known only at the stage of filing of the final report.

6. Therefore, at this point of time, this Court cannot entertain this petition to quash the FIR. The petitioner can reserve all the points and await till the final report is filed by the respondent Police. The learned Government Advocate would submit that the respondent Police will file a final report within a period of three weeks.

7. This Criminal Original Petition is disposed of with a direction to the respondent Police to file a final report within a period of three weeks from the date of receipt of a copy of this order. All the issues that are raised by the petitioner can be raised at the appropriate time and it is all left open. Consequently, CrI MP (MD) No. 5857 of 2018 is closed.

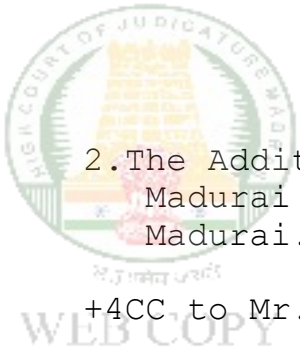
Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Malarivuthu Police Station,
Tirunelveli District.



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

+4CC to Mr.K.Prabhu, Advocate, SR.No.80367

Cr1 OP(MD)No.12907 of 2018
27.08.2018

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