



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P. (MD) Nos.13918 & 13919 of 2018
and Crl.M.P. (MD) Nos.6253 & 6254 of 2018

WEB COPY

Crl.O.P. (MD) No.13918 of 2018

1.Kannan
2.Saravanan : Petitioners/Accused Nos. 1 to 4

Vs.

State through
The Inspector of Police,
Uthumalai Police Station,
Tirunelveli District
(Crime No.248 of 2017) : Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records in Crime No.248 of 2017 on the file of the
respondent and to quash the same as against these petitioners.

Crl.O.P. (MD) No.13919 of 2018

1. Saravanan
2.Kannan : Petitioners/Accused Nos.1&2

Vs.

State through
The Inspector of Police,
P.E.W-Alangulam Police Station,
Tirunelveli District
(Crime No.1053 of 2017) : Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records in Crime No.1053 of 2017 on the file of the
respondent and to quash the same as against these petitioners.

For Petitioners : Mr.J.Ashok(in both petitions)
For Respondents : Mr.S.Bharathi
(in both petitions) Government Advocate (Crl.side)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the
First Information Report registered against the petitioners.

2.The learned counsel appearing for the petitioners would
submit that the respondent Police filed the First Information Report
in Crime No.398 of 2017 on 28.10.2017 against one Suvisesaraj.
Thereafter, another First Information Report came to be registered
<https://hcservices.ecourts.gov.in/hcservices/>
in Crime No.248 of 2017 on 29.10.2017 by Uthumalai Police Station,
wherein the petitioners are arrayed as A1 and A4. Thereafter, one



more First Information Report came to be registered in Crime No.1053 of 2017 by Alangulam Police Station on 24.10.2017.

3.The learned counsel appearing for the petitioners would further submit that the Saravanan was arrested in Crime No.1053 of 2017 on 24.10.2017. Thereafter, the said Saravanan has been roped in as an accused in Crime Nos.398 of 2017 and 248 of 2017 based on the confession given by the co-accused. He also submitted that admittedly on the date of incident, the Saravanan has not been present in the scene of occurrence and he has been roped in as an accused, only with the intention to register one First Information Report after another against the said Saravanan.

4.The learned counsel for the petitioners would further submit that insofar as the Kannan is concerned, he was arrested in Crime No.248 of 2017 on 29.10.2017. On his alleged confession, the said Saravanan was roped in the said Crime Number. In Crime No.1053 of 2017, based on the confession made by the Saravanan, the said Kannan was arrayed as an accused and formal arrest was made on 1.11.2017.

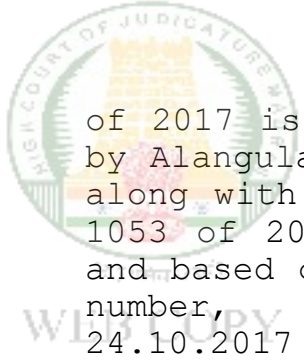
5.After pointing out all these facts, the learned counsel for the petitioners would submit that it is a clear case of abuse of process of law and the respondent Police are intentionally roping the petitioners one case after another case, only based on the so called confession of the co-accused. In short, the learned counsel for the petitioners would submit that based on the confession statement of the Kannan, Saravanan was roped in as an accused. Similarly, based on the confession statement of the Saravanan, Kannan was roped in as an accused. This itself prove that the entire story as projected by the respondent Police was false.

6.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the petitioners are habitual offenders and the said Saravanan was arrested on 29.10.2017 in Crime No.1053 of 2017 and he himself came forward and confessed the commission of the crime and has named the said Kannan as also an accused person. Therefore, the said Kannan was added as accused in Crime No.1053 of 2017. Similarly, Kannan was arrested in Crime No.248 of 2017 on 29.10.2017 and he has made a confession to the crime and also named the said Saravanan and therefore, the said Saravanan has been made as accused in the said crime number. During pendency of the investigation, confession made by the co-accused may be a starting point for the investigation. Thereafter it is for the respondent Police to collect sufficient materials, before filing of final report. Therefore, he would submit that at this stage the First Information Report cannot be quashed.

7.This Court has carefully considered the arguments made on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

8.It is seen from the records that insofar as the Crime No.398



of 2017 is concerned, the same has ended in filing of final report by Alangulam Police Station, in which the said Kannan is an accused along with another person. Insofar as the Crime Nos.248 of 2017 & 1053 of 2017 are concerned, Kannan and Saravanan are main accused and based on the confession made by each of them in concerned crime number, Saravanan was arrested in Crime No.1053 of 2017 on 24.10.2017 and thereafter he was formally arrested in Crime No.248 of 2017. Similarly, Kannan was arrested in Crime No.248 of 2017 on 29.10.2017 and he was formally arrested in Crime No.1053 of 2017 on 01.11.2017.

9.Even though it is seen that for the present, the only material that is available against the petitioners is confession made by the co-accused, that is not the ground to quash the First Information Report at this stage. The respondent Police will have to investigate the case and file final report, at which point the respondent Police are expected to come out with other materials in order to justify the addition of the petitioners as accused in the respective crime numbers.

10.The issues that have been raised by the petitioners are left open and same can be raised at the appropriate stage, after filing of the final report. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Inspector of Police,
Uthumalai Police Station,
Tirunelveli District.

2.The Inspector of Police,
P.E.W-Alangulam Police Station,
Tirunelveli District

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

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