

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.2941 of 2019 and
Crl.M.P.No.1958 of 2019

A.Liyakath Ali ... Petitioner/Accused

Vs.

1.The State Rep.

The Inspector of Police,
X-1 Veppur Police Station,
Cuddalore District.

2.Hemanathan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pursuant to the proceedings in F.I.R No.113 of 2015 on the file of the Inspector of Police, X-1 Veppur Police Station, Cuddalore and quash the same.

For Petitioner : G.Muthuarasu

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.113 of 2015 on the file of the respondent Police.

2.The learned Additional Public Prosecutor filed a counter on behalf of the respondent Police. The relevant portion of the counter is extracted hereunder:-

"3)I submit that the brief facts of the case is as follows:

The case of prosecution is that on 25.02.2015 at about 8.30 hours Tr.Hemanathan, S/o.Vadivel came to the respondent Police Station and gave complaint to the Special Sub Inspector of Police Thiru.Kaliyamurthy, stating that he is residing in Mela Chintamani, Old Bypass Karur Road, Velan Pepsi Company, Trichy. In his own Lorry bearing

Registration TN 59 R 1144 was loaded with coal and proceeded towards Trichy. The said lorry was driven by his driver Tr.Jeeva Jaganath S/o.Rangasamy. He and the owner of the coal Thiru.Shanmugam were sleeping on the top of the lorry. At about 4.00 a.m near Villupuram Pasar Bus stop two unknown persons tapped them and they took a sum of Rs.23,000/- from the defacto complainant and Rs.14,000/- from Tr.Shanmugam. They threatened them with dire consequences. When they got down from the lorry they saw driver was tied up by the unknown persons and one more unknown person was standing near the driver. All the three unknown persons escaped from the scene and ran away inside Paruthikadu. When they released the driver and asked him about the incident he stated that they torch lighted and asked him to stop the lorry. As soon as he stopped the lorry they tied his legs and hands. Later they stolen the money from the owner of the Lorry Tr.Hemanathan and Tr.Shanmugam, owner of the coal. This complaint was taken on file and FIR was registered in Cr.No.113 of 2015 u/s.392 IPC.

4)It is submitted that Thiru.Subbarayalu, the then Inspector of Police, took up the investigation of the case. He enquired the following witness:

- 1.Tr.Hemanathan, S/o.Vadivel - The Defacto complainant.
- 2.Tr.Shanmugam, S/o.Murugan - Owner of the coal loaded in the lorry.
- 3.Tr.Jeeva Jaganath, S/o.Rangasamy - Driver of the lorry.
- 4.Tr.Sarath Kumar, S/o.Chinnakannu - Observation Mahazar witness.
- 5.Tr.Maruthamuthu, S/o.Chinnakannu - Observation Mahazar witness.

After enquiry the case was disbursed as U.N. On 04.02.2019.

5)I submit that the petitioner herein is not at all a party in the above F.I.R No.113 of 2015. He has not been included as Accused in Crime No.113 of 2015. Without any reason the petitioner herein had filed the present Criminal Original Petition to quash all further proceedings in F.I.R No.113 of 2015. The present Criminal Original Petition as far as this petitioner is concerned is infructuous as the petitioner is not a party to the criminal proceedings."

3. Therefore, the investigation has been conducted in Crime No.113 of 2015 and the same is closed on 04.02.2019.

4. Hence, the prayer sought for by the petitioner is become infructuous. Accordingly, this Criminal Original Petition stands dismissed as Infructuous. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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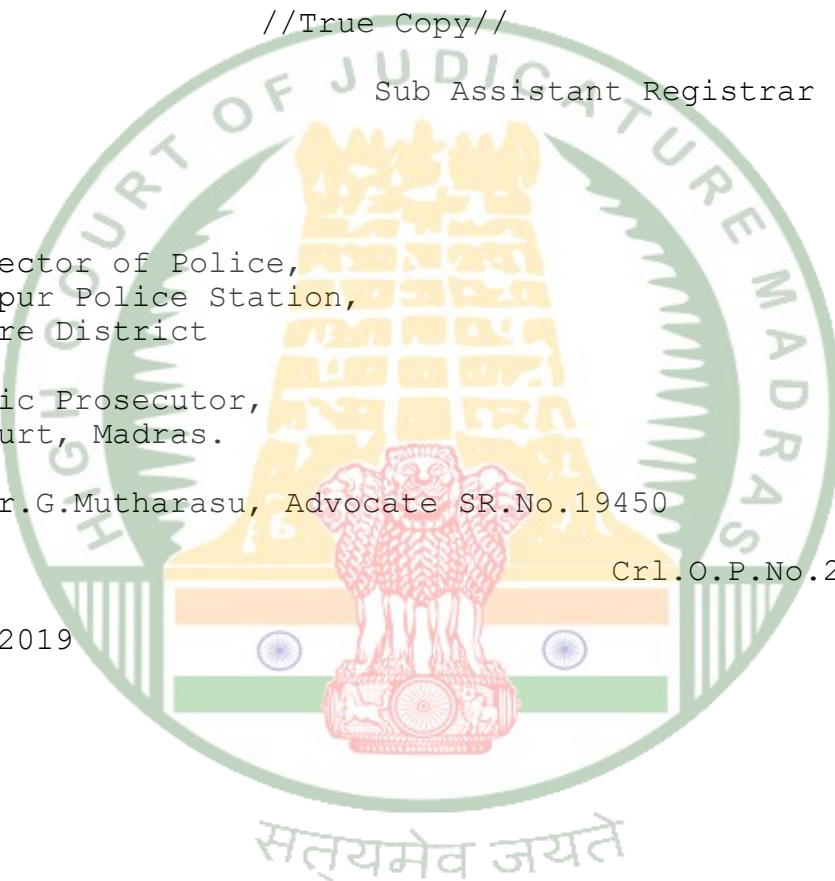
1. The Inspector of Police,
X-1 Veppur Police Station,
Cuddalore District

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.G.Mutharasu, Advocate SR.No.19450

Crl.O.P.No.2941 of 2019

SSD(CO)
CSL/22.04.2019



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