

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.3.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7460 of 2019

and

Crl.M.P.No.4112 of 2019

1. Narasinga Rao
2. Ramesh
3. Kishore

... Petitioners

Vs

1. The Sub Inspector of Police,
District Crime Branch Police Station,
Namakkal, Namakkal District.

2. Nallusamy

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.3 of 2019 pending on the file of the first respondent police and quash the same.

For Petitioners : Mr.R. Senniappan

For Respondents

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.3 of 2019, pending on the file of the first respondent police registered for the offences under Sections 420 and 506(ii) of IPC.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

3. It is seen from the records that there are absolutely no allegations and averments made in the complaint as against the petitioners to attract the offences under Sections 420, 506 (ii) of IPC. On perusal of the entire complaint shows that all the allegations made as against the first and second accused alone. In respect of the petitioners are concerned, there is no whisper about any allegations against them and there is no prima

facie made out to attract any of the offences as registered by the first respondent against the petitioners. Under these circumstances, the petitioners are not liable to be enquired and the FIR is nothing but clear abuse of process of law. Therefore, the FIR cannot be sustained as against the petitioners.

4. Accordingly, this Criminal Original Petition stands allowed and the FIR in Crime No.3 of 2019 on the file of the first respondent police is hereby quashed as against the petitioners. It is made clear that the first respondent is directed to conduct enquiry in Crime No.3 of 2019 as against the first and second accused and file a final report within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.
msm/rts

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Sub Inspector of Police,
District Crime Branch Police Station,
Namakkal, Namakkal District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Senniappan, Advocate, SR.No.27331

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and
Cr1.M.P.No.4112 of 2019

Kak (26/04/2019)