

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 06.06.2019  
CORAM:  
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH  
Crl.O.P.No.1749 of 2018

Ashraf

...Petitioner

Vs.

1. The Inspector of Police  
S-6, Sankar Nagar Police Station,  
Pammal,  
Chennai.

2.Mahalingam

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in Crime No.3228 of 2016 on the file of the respondent police and quash the same.

For Petitioner : Mr.K.Subash  
For R1 : Mr.C.Raghavan  
Government Advocate  
For R2 : Mr.P.Surendran

ORDER

This Criminal Original Petition has been filed to quash the FIR registered in Crime No.3228 of 2016. The petitioner has been added as A4 in the FIR.

2. It is seen from the records that the petitioner is a young boy aged about 20 years, who is the neighbour of the defacto complainant. The petitioner has been added as an accused, based on the confession of co-accused.

3. Today, when the matter was taken up for hearing, both the petitioner and the defacto complainant were present before this Court. The defacto complainant took a specific stand that the petitioner is his neighbour and he had nothing to do with the offence committed by the other accused persons and he has been wrongly implicated in this case.

4. The learned Government Advocate on instructions submitted that there are no previous cases against this petitioner and he has been made as an accused, based on the confession of co-accused.

5. Taking into consideration, the specific stand taken by the defacto complainant, who is present before this Court in person and also the affidavit filed before this Court by him and also considering the age of the petitioner and also the fact that the petitioner does not have any bad antecedents, this Court is of the considered view that no useful purpose will be served by continuing the petitioner as an accused in this case. The same will have from an adverse impact on the future of the petitioner considering his age.

6. The learned counsel appearing on behalf of the defacto complainant also reiterated the same stand taken by the defacto complainant.

7. In view of the above, the FIR in Crime No.3228 of 2016 is quashed insofar as the petitioner is concerned. It is left open to the respondent police to proceed further with the investigation insofar as the other accused persons are concerned.

8. Accordingly, this Criminal Original Petition is allowed.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police  
S-6, Sankar Nagar Police Station,  
Pammal,  
Chennai.

2.The Additional Public Prosecutor,  
High Court,  
Madras.

+2cc to Mr.K.Subash, Advocate sr.55138(04/07/2019)

Cr1.O.P.No.1749 of 2018

nr 26/06/2019