

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.28040 of 2018 and
Crl.M.P.No.16277 of 2018

Jegathambal

... Petitioner

Vs.

1.The State rep. by
the Inspector of Police,
Krishnapuram Police Station,
Crime No.98 of 2018,
Dharmapuri District

2.M.Gowtham

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the FIR in Crime No.98 of 2018 on the file of the respondent police, Quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Manokaran

For Respondents

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

For R2 : M/s.P.T.Geotom

O R D E R

This petition has been filed to quash the FIR in Crime No.98 of 2018 registered by the first respondent police for the offences under Sections 147, 148, 286 and 307 I.P.C., as against the petitioner.

2. The learned counsel for the petitioner would submit that the defacto complainant has given the complaint alleging that the petitioner came over to India in the month of July 2017 and threatened her on two occasions. Based on the complaint the respondent Police has registered the case as against the

petitioner / A1 and four others. But on the occurrence date the petitioner, who was residing in USA, never came to India as such he could not at all threaten the defacto complainant. Hence, he prayed for quashment of the FIR as against the petitioner / A1.

3. It is seen that the first accused, even before the date of occurrence left India. Therefore he was not there at the time of occurrence, namely 30.07.2018. It is also brought to notice of this Court that the petitioner left India and the passport entries shows that the petitioner who came to India on 06.07.2017 left India on 09.12.2017 itself.

4. Considering the facts and circumstances of the case, the first respondent is directed to delete the name of the petitioner / A1 in the FIR in Crime No.98 of 2018 and conduct enquiry as against the other accused persons, namely A2 to A5 and complete the same and file a final report before the jurisdictional Magistrate concerned within a period of three months from the date of receipt of a copy of this Order.

5. With the above direction, this criminal Original Petition stands disposed of. Consequently connected miscellaneous petition is closed.
lok

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Krishnapuram Police Station,
Crime No.98 of 2018,
Dharmapuri District

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

+1cc to Mr.P.T.Geotom, Advocate, SR.No.28242
+1cc to Mr.N.Manokaran, Advocate, SR.No.28334
+1cc to Mr.P.T.Geotom, Advocate, SR.No.28242
(dated: 29/07/2019)

CrI.O.P.No.28040 of 2018 and
CrI.M.P.No.16277 of 2018

Kak(03/07/2019)