



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2019**

CORAM

THE HONOURABLE MR. JUSTICE **N. SESHASAYEE**

Crl.O.P. (MD) No.1908 of 2019
in Crl.M.P.No.1029 of 2019

M.Madhavan

... Petitioner

Vs.

1. The Inspector,
Railway Protection Force,
Madurai Junction,
Madurai. (Crime No.2/2019)

2. The Assistant Sub-Inspector,
Railway Protection Force,
Madurai Junction,
Madurai.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Occurrence Report in Cr.No.09/2019 pending on the file of the second respondent and quash the same in the interest of justice.

For Petitioner : Mr.B.Micheal Sebestin for
M/s.J.William Christopher

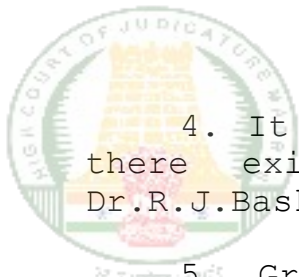
For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

The present petition is filed to quash the Occurrence Report in Cr.No.09 of 2019 pending on the file of the second respondent police for the offence under Section 3 of the Railway Properties (Unlawful Possession) Act, 1966.

2. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondents.

3. The police party intercepted a Lorry bearing Reg.No.TN-38-AE-9466 carrying some railway property without any voucher and based on the intimation given, the present case came to be registered. The articles, in the presence of the accused persons, were seized. Primary contention taken in challenging this report is that the person who prepared the First Information Report, was not present at the scene of occurrence and there are delay, laches and other lacunae in the occurrence report.



4. It is also stated that the present complaint is foisted as there existed some enmity between the petitioner and one Dr.R.J.Baskar and the Railway Hospital, Madurai.

5. Grounds now advanced are though good enough to advance during trial, yet are not adequate to entertain the stand of the petitioner at this stage. Inasmuch as *prima facie* the commission of offence and involvement of the petitioners are indicated, this Court does not consider it appropriate to interfere with the same at this point of time.

6. In the result, this petition is dismissed. Consequently, connected Crl.M.P.(MD)No.1029 of 2019 is also dismissed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar(CS)

CM
To,

1. The Inspector,
Railway Protection Force,
Madurai Junction, Madurai.
2. The Assistant Sub-Inspector,
Railway Protection Force,
Madurai Junction, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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