



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2019

CORAM:

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

Crl.O.P.[MD]No.3073 of 2019

and

Crl.M.P.(MD)No.1711 of 2019

WEB COPY

1.Umar Farook  
2.Naseer @ Abdul Naseer  
3.Samsul Hudha  
4.Ibrahim @ Mohamed Ibrahim : Petitioners

Vs.

1.The State Rep through  
The Inspector of Police,  
B-1, Vilakkuthoon Police Station (Crime),  
Madurai City,  
in Cr.No.1012 of 2018.

2.Syed Kasim : Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to Crime No.1012 of 2018 dated 31.12.2018 on the file of the Inspector of Police, B-1, Vilakkuthoon Police Station (Crime), Madurai City and quash the same.

For Petitioners : Mr.D.S.Haroon Rasheed  
For R1 : Mr.A.P.G.Ohm Chairma Prabhu  
Government Advocate (Crl.Side)

### ORDER

This petition is filed to quash the proceedings in Crime no.1012 of 2018 registered for the offence punishable under Sections 406, 420, 294(b), 384 and 506(2) IPC.

2. The learned counsel for the petitioner submitted that no part of the FIR provides any ingredients of the offences as indicated above.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

<https://hcservices.courts.gov.in/hcservices/>  
1. On carefully going through the FIR, this Court finds that there are prima facie materials for the specific overt act



attributed to each of the accused / petitioners herein necessary for constituting offences.

5. However there is some doubt. If an offence under Section 384 IPC is made out in the FIR, and since the investigation is not yet completed.

6. The learned counsel for the petitioner would submit that when these petitioners moved anticipatory bail, the prosecutor had made a statement before the Court that the second petitioner has not involved in this case.

7. However, this Court cannot act on the statement of the learned Public Prosecutor made during anticipatory bail proceedings at this stage.

8. For the present, this court has not found any merit in this case. However, if there are any materials available with any of the petitioners, may share them with the Investigating Agency in order to help them to arrive at just conclusion before they finalise their final report.

9. With the above direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police,  
B-1, Vilakkuthoon Police Station (Crime),  
Madurai City,
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

TA

**Cr1.O.P. [MD] No. 3073 of 2019**  
**28.02.2019**

KM/ (03.04.2019) 2P 3C