



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

Crl.O.P.[MD].No.3655 to 3663 of 2019
and
Crl.M.P.[MD].No.2112 to 2120 of 2019

Senthilkumar : Petitioner in all petitions

/Vs./

1.State through
The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District. : 1st Respondent in all petitions

2.Pitchaimuthu	: R-2 in Crl.O.P.(MD)No.3655 of 2019
Madasamy	: R-2 in Crl.O.P.(MD)No.3656 of 2019
Sudalai	: R-2 in Crl.O.P.(MD)No.3657 of 2019
Ramalingam	: R-2 in Crl.O.P.(MD)No.3658 of 2019
Anand	: R-2 in Crl.O.P.(MD)No.3659 of 2019
Suseela	: R-2 in Crl.O.P.(MD)No.3660 of 2019
Chellasamy	: R-2 in Crl.O.P.(MD)No.3661 of 2019
Gurusamy	: R-2 in Crl.O.P.(MD)No.3662 of 2019
Chinnadurai	: R-2 in Crl.O.P.(MD)No.3663 of 2019

Common Prayer: Criminal Original Petitions are filed under Section 482 of Cr.P.C., to call for the records pertaining to the First Information Reports in Crime No.388, 390, 389, 387, 386, 393, 384, 391 and 383 of 2018 on the file of the Inspector of Police, Thiruchendur Police Station, Thoothukudi, dated 17.12.2018, 17.12.2018, 17.12.2018, 17.12.2018, 18.12.2018, 16.12.2018, 17.12.2018, 16.12.2018 respectively and quash the same as far as this petitioner is concerned.

For Petitioner : Mr.A.Rajaram (in all petitions)

For R-1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. Side)
(in all petitions)

COMMON ORDER

The batch of criminal original petitions is filed by one Senthilkumar, who has been roped in nine criminal cases, all of which relate to theft of cattle, pertaining to which, the criminal cases are pending investigation in Crime No.388, 390, 389, 387, 386, 393, 384, 391 and 383 of 2018 on the file of the Inspector of Police, Thiruchendur Police Station, Thoothukudi, dated 17.12.2018,



17.12.2018, 17.12.2018, 17.12.2018, 17.12.2018, 18.12.2018,
16.12.2018, 17.12.2018, 16.12.2018 respectively.

2. The case of the prosecution opens with a statement that the police party happened to spark Hanifa, Kandan @ Kannukutty Kandan, Kasi and Murugaesan and appeared to be preparing for causing yet another theft of cattle. Police party suspected them and when they attempted to interrogate with all the four accused, finally, they were nabbed. In the course of interrogation, the accused Hanifa gave a confession statement that besides the four named above, the present petitioner SenthilKumar was also involved. It is how the petitioner came to be roped in all the nine pending cases.

3. The learned counsel appearing for the petitioner made a candid statement that the confession given by the accused person to the police officer in the course of investigation dose not carry any value and no innocent person can be roped in based on that. The investigating officer in all the nine cases wants to give a quietus to the said case and to include the petitioner as a fifth member in order a theft case could be converted into a case of robbery, to fill in the missing fifth person, the petitioner's name has been used.

4. While this Court does not want to make any immediate opinion as to the second part of the petitioner's counsel submission, the first part is concerned, it some carries considerable weight.

5. The learned Government Advocate (crl. Side) submitted that all the cattles involved in all the cases have been retrieved and have been given in temporary custody to the respective owners.

6. Inasmuch as this Court considers that the investigation is still in early stage, it may not be appropriate to interfere with the FIR at this stage and quash the FIR. Having stated thus, this Court grants liberty to the petitioner to challenge the final report as and when the respondent police file before the trial Court, if there are grounds exist for the same.

7. With the above said observations, the criminal original petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.RAJARAM, Advocate in SR-53449

CrI.O.P.[MD].No.3655 to 3663 of 2019

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PK/02.05.2019 : 3P/4C