



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.5712 of 2019
and
Crl.M.P.(MD)No.3584 of 2019

Shanmugapandi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Panavadalichathiram Police Station,
Tirunelveli District.
(Crime No.288/2018)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.288 of 2018 on the file of the respondent police and quash the same in respect of the petitioner herein.

For Petitioner : Mr.M.Ramu

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Criminal side)

O R D E R

This petition has been filed to quash the proceedings in Crime No.288 of 2018, on the file of the respondent police, in respect of the petitioner herein.

2.The case of the prosecution is that on 07.10.2018 at 4.30 p.m., when the Sub-Inspector of Police and his team were conducting vehicle checkup near Aayalpatti Main Road, the petitioner and the co-accused were driving the bike without registration number and the police party intercepted them and found some iron rod, worth about Rs.12,000/- and therefore, the present case has been registered against them for the offences punishable under Sections 41(1)d and 102 Cr.P.C.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that the alleged materials were recovered on 07.10.2018 itself, however, the respondent police produced the same before the competent Court on 23.10.2018 and the mandatory requirements under Section 102 Cr.P.C. are not followed. Further, the respondent sent the report after 17 days from the date of seizure and there is no explanation for the delay



in sending the report and therefore, the learned counsel prayed for quashing of the FIR, in respect of the petitioner herein.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the investigation has been completed and a final report has been filed before the Judicial Magistrate Court, Sankarankovil, on 23.10.2018.

5.Considering the facts and circumstances of the case and since the FIR discloses commission of cognizable offence, the same cannot be quashed in the light of the law laid down by the Hon'ble Apex Court in **State of Haryana Vs. Bhajan Lal** reported in **1992 (1) SCC 335**. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Panavadalichathiram Police Station,
Tirunelveli District.

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

+1cc to Mr.M.RAMU, Advocate, SR.No. 61886

CrI.O.P. (MD)No.5712 of 2019
22.04.2019

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