



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.(MD) No.6244 of 2019

and

Crl.M.P.(MD) No.4115 of 2019

Kader Batcha

... Petitioner/Accused

-Versus-

The State Rep. by
Inspector of Police,
Idol Wing,
Palavoor Police Station,
Crime No.114 of 2005.

... Respondents/Complainant

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the entire records and to quash the FIR registered in Crime No.114 of 2005 on the file of the respondent police framed against the petitioner alone.

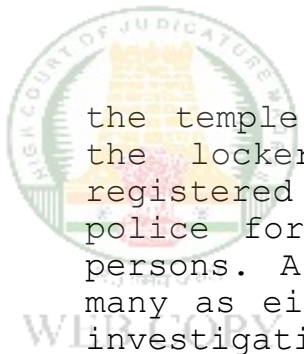
For Petitioner	: Mr.L.Infant Dinesh for Mr.M.K.Yukanth
For Respondent	: Mr.K.Chellapandian, Addl. Advocate General, Assisted by Mr.K.K.Ramakrishnan, Addl. Public Prosecutor

ORDER

This petition has been filed seeking to quash the First Information Report registered in Crime No.114 of 2005 on the file of the respondent police.

2. Heard Mr.L.Infant Dinesh, learned counsel appearing for the petitioner and Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondent.

3. Originally, FIR has been registered based on an information given by one Velumsamy, a Fit-Person of Narumbunatha Swamy Thirukoil, Pazavoor in Tirunelveli District, alleging that thirteen numbers of antique idols and huge amount of cash, which was kept in



the temple in a safety locker, were found stolen by breaking open the locker. Based on the above said complaint, a crime was registered in Crime No.114 of 2005 on the file of the respondent police for offence u/s 457 and 380 of IPC against some unknown persons. After investigation, a final report was filed against as many as eight accused persons on 29.02.2008. Thereafter, a further investigation was ordered under Section 173(8) of Cr.P.C and after the further investigation, an additional final report has been filed by the respondent police wherein, the petitioner, who was working as an Investigating Officer in the Idol Wing of CID, has been added as an accused. Now, seeking to quash the FIR, the petitioner is before this court with this original petition.

4. Admittedly, the name of the petitioner did not find a place in the FIR and he has been added as an accused in the additional final report based on the further investigation. Therefore, the petitioner cannot challenge the FIR at this stage. Thus, the quash petition itself is not maintainable in the eye of law and the same is liable only to be dismissed.

5. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

sml/kmk

To

1.The Inspector of Police, Idol Wing, Palavoor Police Station,
Tirunelveli District.

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

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