



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 05.02.2019
PRONOUNCED ON : 30.04.2019
CORAM

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

Crl.O.P. (MD) No.22445 of 2018

and

Crl.M.P. (MD) Nos.10531 and 10532 of 2018

K.Lakshmanan

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Crime No.86 of 2015)

2.Nallamaruthu

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records relating to in C.C.No.142 of 2015 pending on the file of the learned Judicial Magistrate, Kamuthi and to quash the same.

For Petitioner : Mr.V.Santhakumaresan

For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

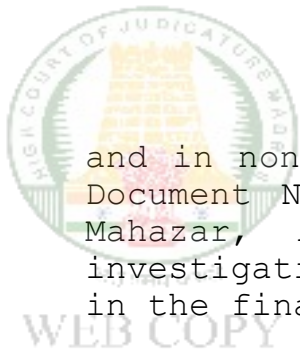
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.142 of 2015 on the file of the learned Judicial Magistrate, Kamuthi.

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

3. The learned counsel appearing for the petitioner submits that the 2nd respondent/defacto complainant lodged a complaint to the 1st respondent on 28.04.2015, based on which a case in Crime No.86 of 2015 came to be registered on the very day. The petitioner is not named in the First Information Report. On 28.04.2015 itself, the 1st respondent visited the scene of occurrence, prepared the observation mahazar and rough sketch and recovered a tractor bearing Registration No.TN-65-Z-0759. On the same day, the 1st respondent listed witnesses 1 to 8 in the final report under Sec. 161(3) Cr.P.C.

4. He further submits that then on 29.04.2015, the 1st respondent arrested the accused No.1, and after concluding the investigation, on 03.09.2015, the 1st respondent laid final report before the learned Judicial Magistrate. The final report lists five documents,



and in none of them the name of the petitioner is not mentioned in Document Nos.1 to 4. That is in F.I.R, Rough Sketch, Observation Mahazar, Atthachi. It is only a confession given to the investigation by the first accused, petitioner's name was included in the final report, argued the counsel.

5. The case involved the allegation of illicit quarrying of river sand. The First Information Report goes to make an allegation that the Tractor that illicitly quarried river sand was intercepted by the complainant whereupon they stopped the vehicle, left abandoned and the two persons took to the heels.

6.1 The only point argued by the learned counsel for the petitioner is that the petitioner's name does not find a mention in any of the documents. The First Information Report refers to two persons and whether the petitioner is one of the two is in dispute. How the Investigating Officer came to zero in on the petitioner is the matter for trial and this cannot be interfered with at this stage.

7. In the end, this Court does not find any merit. Hence, this Criminal Original Petition is dismissed. Consequently, connected Crl.M.P(MD)Nos.10531 and 10532 of 2018 are closed.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate, Kamuthi.

2.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

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

**Crl.O.P. (MD)No.22445 of 2018
and**

Crl.M.P. (MD) Nos.10531 and 10532 of 2018

CM

KK/SAR/23.05.2019/ 2P- 4C