

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

CRL.O.P.No.3817 of 2020
and
Crl.M.P.No.2222 of 2020

Juby Thomas, ChristianPetitioner/Accused

Vs.

1.State Represented by
The Inspector of Police
Perundurai Police Station
Perundurai, Erode,
(Ref to Crime No.247/2019) ..Respondent 1/Complainant

2.Anwar Sadarth Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in Crime No.247 of 2019 pending on the file of the first respondent against the petitioner.

For Petitioner : M/s.Deepan Uday

For Respondent : Mr.M.Mohamed Riyaz for R1
Additional Public Prosecutor

ORDER

This petition has been filed by the accused to quash the First Information Report in Cr.No.247 of 2019 for the alleged offence under Section 392 IPC.

2. The learned counsel for the petitioner has submitted that in the First Information Report, it is stated that when the defacto complainant's drivers were travelling in a car bearing Registration No.KA 05 MR 0398 on 04.04.2019 at about 4.30 am., near Vijayamangala Tollgate, Tirupur District, four persons came into two cars and blocked the his car stating that they are police personnel and want to search the said car. Thereafter, they have searched the said car and also taken away a sum of Rs.30 lakhs. He further submitted that in the said FIR neither the name nor identity of the accused persons were mentioned. He further submitted that subsequently, the petitioner was arrested and remanded to judicial custody and there is no material to implead the

petitioner in the aforesaid case. Therefore, he prayed to quash the First Information Report.

3. Per contra, the learned Additional Public Prosecutor has submitted that eventhough in the First Information Report, the name of the accused persons not mentioned, after registering the First Information Report during investigation, the petitioner herein was arrested and he gave a confession and based on the said confession, amounts were seized and the car was also seized. He further submitted that therefore, there are materials to proceed further against the petitioner.

4. Admittedly, in the First Information Report, the name of the petitioner has not been mentioned, but during investigation, the petitioner was arrested and got confessions from him and based on the same, the amount and the car were seize. Therefore, this Court is of the view that the first respondent should be allowed to complete the investigation. At this stage, it would not be proper to quash the First Information Report.

5. For the aforesaid reasons, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

dna

To

- 1.The Inspector of Police
Perundurai Police Station
Perundurai, Erode,
(Ref to Crime No.247/2019)

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.3817 of 2020
and
Cr1.M.P.No.2222 of 2020

PVS (CO)
GMY (20/03/2020)

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