

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.20945 of 2014 and
M.P.No.1 of 2014

Khaja Mohideen

... Petitioner /Accused No.1

Vs.

1. State represented by
The Inspector of Police,
F-1, Chintadripet Police Station,
Chennai. (Cr.No.1159/2011)

2. Thangamani ... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to Crime No.1159 of 2011 on the file of the F-1, Chintadripet Police Station, Chennai, and quash eh same by allowing this criminal original petition.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.R.Ravichandran

Govt. Advocate(Crl.Side) for R1

ORDER

The respondent police registered a case against the petitioner and three others based on the complaint given by the second respondent. During pendency of investigation, A1 has approached this Court seeking to quash the case against him.

2 Learned counsel appearing for the petitioner would submit that A4 in this case has also filed similar petition seeking to quash the case against him, which was allowed by this Court and the case against A4 has been quashed. Therefore, the case against this petitioner/A1 is also liable to be quashed.

3 Learned Government Advocate (Crl.Side) appearing for the first respondent police would submit that this petitioner is a prime accused in the present case and he only manufactured more number of pirated VCDs and marketed the same. Hence, the petitioner must face trial and there is no sound reason to quash the case against him.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 On a perusal of the order of this Court dated 08.10.2013 quashing of case against A4, it reveal that A4 was implicated based on the confession statement given by this petitioner/A1 and except the confession statement of A1, there was no other incriminating material against A4 and hence the case against him was quashed. But, this petitioner being A1 is the prime accused in this case and he has given confession statement. Further soon after registering FIR, the petitioner/A1 approached this Court and this Court is of the view that after investigation only the role of the petitioner in the offence will come into light. Hence this Court is not inclined to invoke power under Section 482 of Cr.P.C and quash the case against this petitioner/A1.

6 Accordingly, this criminal original petition is dismissed. Consequently connected miscellaneous petition is closed. However, since the complaint is pending from the year 2011, the first respondent police is directed to investigate into the matter and file a charge sheet within a period of four months from the date of receipt of a copy of this order.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
F-1, Chintadripet Police Station, Chennai.
2. The Public Prosecutor, High Court of Madras.

+1 CC to Mr.M.Guruprasad, Advocate sr 9272.

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NR(CO)
SP(12/03/2020)