



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Criminal Original Petition No.19730 of 2014
and M.P.No.1 of 2014

D.Venkatesan
S/o.Late Danapal.

... Petitioner/Accused

-vs-

1.State rep. by
Inspector of Police,
G-3, Kilpauk Police Station,
Chennai 600 010.

2.S.H.Mohammed Rafiq,
S/o.P.Shahul Hameed.

...Respondents

Prayer:

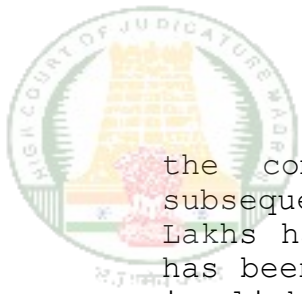
Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the Crime No.775 of 2014 on the file of the 1st respondent Police Station and quash the same insofar as the petitioner is concerned.

For Petitioner	: Mr.M.Baskar
For Respondents	: Mr.R.Ravichandran for R1 Government Advocate (Crl.side)

O R D E R

The first respondent Police registered a case against the petitioner and two others based on the complaint given by the second respondent in Crime No.775 of 2014, for the offence under Section 392 IPC. The petitioner is arrayed as 3rd accused in the F.I.R. The 3rd accused/petitioner has filed the present petition before this Court invoking Section 482 Cr.P.C., to quash the F.I.R. in Crime No.775 of 2014.

2.The learned counsel for the petitioner submitted that the petitioner is working as Security Superintendent in a private company and he is no way connected with the alleged offence. Only based on the confession statement of other accused, the petitioner was arrested. He further submitted that originally



the complaint was given for a loss of Rs.20 Lakhs and subsequently, the defacto complainant has stated that only Rs.2 Lakhs has been snatched. This itself shows that the petitioner has been falsely implicated in this case. Therefore, the F.I.R. is liable to be quashed. In support of his contention, the learned counsel further relied upon the decision of this Court in the case of M.A.Badrudeen Vs. State of Tamil Nadu, rep. by the Sectretary to Government reported in (2003) M.L.J., (Crl.) 510.

3.The learned Government Advocate (Crl.side) would submit that from this petitioner a sum of Rs.25,000/- has been recovered and the witnesses also spoken about the involvement of the petitioner. Since, this Court has granted stay by an order dated 25.07.2014, they could not proceed with the investigation. Therefore, the petition is liable to be dismissed.

4.Heard the learned counsel on either side and perused the records.

5.The petitioner has been arrayed as A3 in the F.I.R. in Crime No.775 of 2014, on the file of the first respondent Police. The allegation against the petitioner and two other accused is that A1 and A2 robbed a sum of Rs.2 Lakhs from the second respondent. On reading of the F.I.R., Prima facie, there are allegations as against this petitioner. On a perusal of the statement of the witnesses recorded under Section 161 Cr.P.C., it reveals that the petitioner has involved in the offence. Further more, there is also recovery of Rs.25,000/- from this petitioner. The facts and circumstances of the case, which the petitioner relied upon cited supra will not be applicable to the facts and circumstances of the present case on hand. Therefore, this Court does not find any reason to quash the F.I.R., invoking Section 482 Cr.P.C.

6.Accordingly, this Criminal Original Petition is dismissed. The first respondent is directed to complete the investigation within three months from the date of receipt of copy of this order and file a charge sheet. The petitioner is at liberty to take all his defense before the trial Court. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



To

1. Inspector of Police,
G-3, Kilpauk Police Station,
Chennai 600 010.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Baskar, Advocate, S.R.No.10813

Cr1.O.P. No.19730 of 2014

BS (CO)
RN(18/05/2020)