



WEB COPY

CrI.O.P(MD)No.6144 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.6144 of 2020

and

CrI.M.P(MD)No.3221 of 2020

Dhanuskodi

... Petitioner / Accused No.4

Vs.

1.State rep. by,
The Inspector of Police,
CSCID Police Station, Tirunelveli,
Tirunelveli District.
(Crime No.60 of 2020)

... 1st Respondent / Complainant

2.Shiek Abdul Kader

... 2nd Respondent / Defacto Complainant

3.Siva Subbu,
Inspector of Police,
CSCID Police Station,
Tirunelveli, Tirunelveli District.

...3rd Respondent / Investigating Officer

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to call for the records and quash the FIR in Crime No.60 of 2020, dated 09.05.2020 on the file of the Inspector of Police, CSCID Police Station, Tirunelveli, Tirunelveli District as against the petitioner herein.

For Petitioner	: Mr.A.Thiruvadi Kumar
For Respondent	: Mr.K.K.Ramakrishnan,
No.1	Additional Public Prosecutor

ORDER

This petition is filed to quash the FIR in Crime No.60 of 2020 dated 09.05.2020 on the file of the Inspector of Police, CSCID Police Station, Tirunelveli, Tirunelveli District as against the

<https://hcservices.courts.gov.in/hcservices>

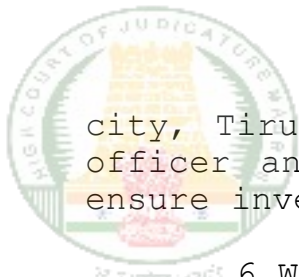


2.This petitioner, accused No.4, in Crime No.60 of 2020 on the file of the Inspector of Police CSCID, Tirunelveli City, Tirunelveli has filed this petition to quash the FIR on the ground that this case has been filed at the instance of one Sivasubbu, Inspector of Police, CSCID Police, Tirunelveli.

3.According to him, the third respondent has seized a vehicle bearing Registration No.TN-76 Y-8322 and obtained a confession statement from the driver one Raja Mohammad that he has transported the same at the instructions of one Mariappan [Accused No.3].Taking into advantage of the same, the third respondent has called this petitioner, who is the brother of the Accused No.3 Mariappan and also demanded a sum of Rs.4,00,000/- that he would foist a case against this petitioner also as an accused in Crime No.60 of 2020. since this petitioner has lodged a complaint against the third respondent before the Inspector of Police, Vigilance and Anticorruption as well as concerned Superintendent of Police, CSCID and other officials about the conduct of the third respondent, in order to wreck vengeance the third respondent has also roped in the petitioner also as one of the accused in Crime No.60 of 2020. This petitioner has also relied upon the delay in despatching the FIR in Crime No.60 of 2020 in support of this contention. Though the occurrence is said to have been taken place on 09.05.2020 the first information report in crime No.60 of 2020 reached the concerned Court only on 15.05.2020. In the mean time, he has sent complaint to the concerned authority on 12.05.2020 itself.

4.The learned counsel appearing for the petitioner also filed writ petition before this Court in W.P(MD).No.6293 of 2020 as against the Vigilance and Anticorruption department for a direction to direct the respondent to conduct the preliminary enquiry based on his complaint dated 12.05.2020. The Deputy Superintendent of Police, V& AC, Tirunelveli has also filed a counter affidavit in the said writ petition, admitting that they have initiated preliminary enquiry as against the third respondent/Inspector of Police in PE 26/2020/POL/TI that he has amassed wealth disproportionate to his known source of income. Though the petitioner has made out a case, it is not a ground for quashing the FIR at this stage of investigation.

5.The interest of justice requires that the investigation in Crime No.60 of 2020 shall be transferred from the file of the third respondent to the some other investigation officer, since the petitioner has made complaint against the third respondent and has also filed a writ petition and pursuant to the same, a preliminary enquiry has also been initiated as against the third respondent. Therefore, this Court deems it fit issue a direction to the Superintendent of Police, CSCID, Tirunelveli City, to withdraw the case in Crime No.60 of 2020 from the file of the CSCID, Tirunelveli



city, Tirunelveli and entrust the same to some other investigation officer and monitor the investigation in Crime No.65 of 2020 and ensure investigation is conducted in a fair and impartial manner.

6. With the above directions, this criminal original petition is disposed of. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector of Police,
CSCID Police Station, Tirunelveli,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Superintendent of Police,
CSCIS,
Tirunelveli.

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and
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12.06.2020

SDS (19.06.2020) 3P-4C