



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.7305 of 2020

and

CRL MP(MD)No.3558 of 2020

WEB COPY

V.Senthilkumar

...Petitioner / Accused No.1

Vs.

1.The State rep.by

The Sub-Inspector of Police,
Palani Taluk Police Station,
Palani, Dindigul District.
(Crime No.66 of 2020)

... 1st Respondent / Complainant

2.S.Moorthy

... 2nd Respondent / Defacto
Complainant

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned FIR in Cr.No.66 of 2020, on the file of the 1st respondent and quash the same insofar as the petitioner/A1, is concerned.

For Petitioners : Mr.C.Gangai Amaran

For Respondent-1 : Mr.S.Chandrasekar

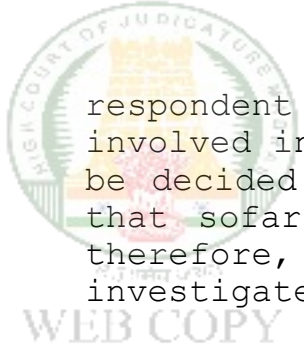
Additional Public Prosecutor

O R D E R

The petitioner is Accused No.1 in Crime No.66 of 2020, registered under Section 7(1) and 7(1)(3) of Lotteries (Regulation) Act, 1998, pending on the file of the 1st respondent. He has approached this Court by way of filing this application and seeks the remedy to quash the FIR.

2. The learned counsel appearing for the petitioner would submit that during the time of occurrence, the petitioner was standing in the occurrence place, which was situated near to the Tea stall. Only for the reasons that the petitioner was standing in the occurrence place, the 2nd respondent has registered the case against the petitioner and the same is nothing but abuse of process of law. He would further submit that the case now pending against the petitioner was registered *suo motu* by the 2nd respondent in which the 2nd respondent is the complainant. It is the further contention of the petitioner that after registration of the FIR by *suo motu* by the 2nd respondent, he himself investigated the matter, which is against the principles of law.

3. The learned Additional Public Prosecutor appearing for the



respondent Police would submit that whether the petitioner was involved in the offence or not is a matter of evidence, which has to be decided only during the time of trial. He would further submit that sofar, investigation of the case has not been completed and therefore, it cannot be said that the complainant himself investigated the case.

4. Upon considering the rival submissions made by either side, it is true that the involvement of the petitioner in the alleged occurrence is the matter for evidence and it can be decided only during the time of trial. Further it cannot be said that without seeing the final report filed by the Investigation Officer, the case has been investigated by the complainant itself. So, in all aspects, the submission made by the counsel for the petitioner fails in toto and applying the principles set out in the **Bajan Lal's case** quashing the FIR is undoubtedly against the principles set out in the above referred case.

5. In fine, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

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 Sub-Inspector of Police,
Palani Taluk Police Station,
Palani, Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KB(27.07.2020) 2P 3C