



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD).No.12406 of 2020

and

Crl.M.P.(MD) Nos.5588 of 2020

Bharathan

..Petitioner/Accused No.3

Vs

1.State rep by

The Inspector of Police,
Dindigul Taluk Station,
Dindigul District.
(Crime No.1074 of 2020)

..1st Respondent/Complainant

2.G.Alagupandi

The Sub Inspector of Police,
Dindigul Taluk Police Station,
Dindigul

..2nd Respondent/Defacto
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.1074 of 2020, on the file of the Inspector of Police, Dindigul Taluk Police Station, Dindigul District and quash the same in so far as the petitioner is concerned.

For Petitioner

: Mr.V.Illanchezian

For R1

: Ms.S.E.Veronic Vincent

Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to quash the Crime No.1074 of 2020, on the file of the Inspector of Police, Dindigul Taluk Police Station, Dindigul District.

2.The learned counsel appearing for the petitioner would submit that on 12.09.2020, the 1st accused namely Yovan was found in possession of country gun, without any valid license, thereby he was arrested by the respondent police. A case in Crime No.1074 of 2020 has also been registered against the petitioner and three others. The petitioner was arrayed as third accused in the said case. According to the petitioner, based on the confession statement given by the 1st accused, the petitioner and two others were implicated in the above said case. Except the confession statement of the 1st accused, no other materials available against the petitioner. The learned counsel would further submit that no material has also been recovered from the petitioner. Hence, the learned counsel would pray



to quash the FIR in Crime No.1074 of 2020, as against the petitioner.

3.The learned Additional Public Prosecutor would state that the offences are under the Arms Act, 1959 and therefore would vehemently object for quashing the First Information Report.

4.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the first respondent and perused the materials available on record. In view of the order going to be passed, notice to the second respondent is not necessary.

5.The Hon'ble Supreme Court by judgment dated 02.12.2019 in **Crl.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

''9.It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.''

6.Here in the present case, the complainant had made specific allegations in the complaint filed against the petitioner and therefore, the grounds raised in this petition can be gone into only in a full-fledged trial. Considering the facts and circumstances of the case, this Court is not inclined to quash the First Information Report in Crime No.1074 of 2020 on the file of the Inspector of Police, Dindigul Taluk Police Station, Dindigul District.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

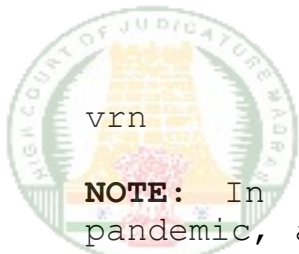
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



vrn

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,
Dindigul Taluk Station,
Dindigul District.
(Crime No.1074 of 2020)
- 2.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

Crl.O.P. (MD) .No.12406 of 2020
and
Crl.M.P. (MD) Nos.5588 of 2020
05.11.2020

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KG (CO)

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