



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.12948 of 2020 and

Crl.MP(MD) No.5903 of 2020

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A.Ananth Kumar

Petitioner/Accused 2

Vs

1.The State rep by the

Inspector of Police,

Nagamalaipudukkottai Police Station,

Nagamalaipudukkottai,

Madurai District

(In Crime No. 646 of 2015)

1st respondent/Complainant

2.Muthumanikkam

Registrar,

Madurai Kamarajar University,

Madurai District.

2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.646 of 2015, on the file of the 1st respondent police and quash the same as for as this petitioner as illegal.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel for
M/s.Ajmal Associates.

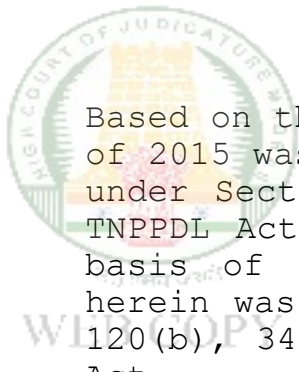
For Respondents : Ms.S.E.Veronica Vincent
Government Advocate(Crl.side)

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

2.This Criminal Original Petition has been filed to quash the FIR in Crime No.646 of 2015, on the file of the 1st respondent police as against the petitioner.

3. The case of the prosecution is that the defacto complainant/2nd respondent herein had lodged a complaint before the 1st respondent police against the petitioner and another, alleging that on 24.12.2015, two identified unnamed persons were criminally trespassed into the Chief guest house which is attached with the Kamarajar University Campus and threatened one Manikavel with knife, who is the staff of the University and snatched his mobile phone. Further, the said Manikavel was confined into the separate room and the above said persons set fire in the said campus and escaped from the scene of occurrence. Thereafter, the said Manikavel was rescued.



Based on the defacto complainant's complaint, a case in Crime No.646 of 2015 was registered against the unnamed accused, for the offences under Sections 342, 392, 307, 436, 506(ii) IPC and Section 3(i) of TNPPDL Act and on the same day 1st accused was arrested and on the basis of the statement given by the 1st accused, the petitioner herein was arrayed as accused 2. Subsequently, FIR was altered into 120(b), 342, 392, 436, 307, 506(ii), 34 IPC and Section 4 of TNPPDL Act.

4.The learned counsel for the petitioner would submit that due to the administrative dispute between the parties, the petitioner has been roped in the said case by the defacto complainant. According to the petitioner, while he was holding the post of Vice President of an association namely Joint Action Council, he found certain irregularities and also the defacto complainant had indulged in many illegal practices in the administration of association for his personal benefits, due to which, the defacto complainant had preferred a false complaint before the respondent police, which resulted in registration of the above FIR. The grievance of the petitioner is that though the case was registered in the year 2015, the respondent has not chosen to file Final Report till date. In view of the pendency of the criminal case, the prospect of promotion of the petitioner is being affected. Hence, the learned counsel for the petitioner would pray to quash the impugned FIR.

5.This Court directed the learned Additional Public Prosecutor (CrI.side) to file a Status Report and the Status Report has also been filed.

6. The Status Report reads as follows:-

"I submit that the petitioner has not raised any valid legal ground to quash the FIR at this stage. The nature of the allegation is very serious. Only due to the ego among the staff of the University, the petitioner has gone to the extent of murdering the other staff by engaging hooligans. Further, in order to commit the crime, the petitioner has planned to set fire on the guest house, which might have lead to the death of any number of persons and there was also a possibility for the destruction of vital records. Due to the non co-operation of the petitioner, the investigation is still pending. The petitioner has not disclosed any details about the accused persons, who were engaged by him for committing the crime. After their arrest only the robbed mobile phone can be recovered. Therefore, we are taking steps to cancel the bail granted infavour of the petitioner.

7.I submit that the entire occurrence was occurred within the premises of Kamaraj University and the nature of crime has created a deep scar in the mind



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of the students. The issues raised by the petitioner are matter for trial and it can be tested only by oral and documentary evidences. Under those, circumstances, the allegations made against the petitioners are sufficient for prosecuting the petitioners.

7. Considering the facts and circumstances of the case and taking note of the Status Report, I am not inclined to quash the First Information Report in Crime No.646 of 2015, on the file of the 1st respondent police. However, considering the fact that the First Information Report is of the year 2015, there shall be a direction to the respondent police to file a Final Report, within a period of three months from the date of receipt of a copy of this order. failing which, the First Information Report shall stands quashed.

8. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

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. Inspector of Police,
Nagamalaipudukkottai Police Station,
Nagamalaipudukkottai,
Madurai District
(In Crime No. 646 of 2015)

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.Ajmal Associates, Advocate, (SR No.24467(F) dated 08/12/2020)

Cr1.O.P(MD)No.12948 of 2020 and
Cr1.MP(MD) No.5903 of 2020

07.12.2020