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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.10.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.20496/2015 & MP.Nos.1 & 2/2015

[Video Conferencing]

K.N.Palaniappan

... Petitioner

Versus

1.The State rep. By
The Inspector of Police,
Veeraiyur Police Station,
Thiruvannamalai District.

2.K.Ezhumalai

... Respondents

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to CC.No.181/2015 on the file of the Judicial Magistrate No.I, Thiruvannamalai and quash the same.

For Petitioner : Mr.AR.Karthick Lakshmanan
for AL.Ganthimathi

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

- (1) Heard Mr.AR.Karthick Lakshmanan, learned counsel for the petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor appearing for the respondent.
- (2) The present petition has been filed under Section 482 of Cr.P.C., seeking interference with the further progress in CC.No.181/2015 now pending on the file of the learned Judicial Magistrate No.1 at Tiruvannamalai.
- (3) The petitioner is the accused therein.
- (4) A Final Report had been filed pursuant to an investigation



by the 1st respondent/Inspector of Police, Veeraiyur Police Station at Tiruvannamalai, consequent to a complaint given by the 2nd respondent herein on 11.02.2015.

- (5) A FIR in Crime No.44/2015 was registered u/s.420 IPC. It was the complaint of the 2nd respondent/defacto complainant that he came over to Chennai to get a registration number plate for his vehicle and he went over to the shop of the present petitioner herein and the petitioner stated that he would provide a high security number plate and also received a sum of Rs.600/-. It is stated that the petitioner also gave a number plate with the registration number and also with the letters 'IND'. The 2nd respondent/defacto complainant then realised that such high security number plates had not been brought into effect by the Government. Claiming that an act of cheating had been done, the 2nd respondent/defacto complainant had given a complaint to the 1st respondent who had thereafter, registered, as aforesaid, the FIR in Crime No.44/2015 u/s.420 IPC.
- (6) A Final Report had been filed by the 1st respondent which had been taken cognizance as CC.No.181/2015 by the learned Judicial Magistrate No.1, Tiruvannamalai. That Calendar Case is now sought to be quashed by the petitioner herein.
- (7) As a matter of fact, the learned Judicial Magistrate No.1, had taken cognizance for offences u/s.465, 468 read with 471, 472, 420 IPC. Along with the FIR, the Investigating Officer had forwarded the statements of witnesses. But he had not recovered, during the course of investigation, the number plate which is alleged to have been given by the petitioner herein to the 2nd respondent/defacto complainant. That particular number plate is not found in the list of documents or in the list of properties annexed to the charge sheet.
- (8) The learned Additional Public Prosecutor appearing for the 1st respondent stated that the said number plate had actually been seized, but there is no record for the same.
- (9) It is also seen that quite apart from the 2nd respondent/defacto complainant, no other witness speak directly about that particular incident of sales of number plate by the petitioner herein to the 2nd respondent/defacto complainant.
- (10) It is complained by the learned counsel for the petitioner that the entire Final Report is based on premises and no proper investigation has been done. The Investigating



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Officer, during the course of investigation, had also prepared a Mahazar giving the sketch, viz., the place where the shop of the petitioner herein is situated. That would hardly help the case of the prosecution because the case of the prosecution is sales of the number plate and that crucial object had not been seized or produced before the Court.

- (11) The location of the shop of the petitioner herein will not be of any assistance to anybody, neither to the prosecution nor to the accused, who obviously knows where his shop is nor to the 2nd respondent/defacto complainant who also knows the shop since he had gone to that particular place to purchase, according to him, the number plate and is of no interest to the learned Judicial Magistrate who may not even require such information/particulars to be given to him. Quite apart from the Mahazar giving the lay out of that particular road and pointing out where the shop of the petitioner is located, no other document has been produced by the Investigating Officer. Rest are statements of the witnesses. The possibility of conviction is very remote.
- (12) In view of all these facts, holding that continuation of any trial will only be an exercise in futility, I quash the charge sheet in CC.No.181/2015 and relieve the petitioner of the torture of facing trial proceedings.
- (13) In the result, the Criminal Original Petition stands allowed and the proceedings in CC.No.181/2015 pending on the file of the learned Judicial Magistrate No.1 at Tiruvannamalai, is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Judicial Magistrate No.I,
Thiruvannamalai.

2.The Inspector of Police,
Veeraiyur Police Station,
Thiruvannamalai District.



3.The Public Prosecutor
High Court, Madras.

+1cc to M/s.A.L.Gandhimathi, Advocate Sr No.51234

Cr1.OP.No.20496/2015

GPL (CO)
PR (25/10/2021)