

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P No.2238 of 2019

and

Cr1.M.P No.1460 of 2019

Dinesh

...Petitioner

Vs

1.State

Represented by
Inspector of Police (Crime)
K-4, Anna Nagar Police Station
Anna Nagar, Chennai.

2.R.Kannan

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in P.R.C No.43 of 2015 on the file of the V Metropolitan Magistrate, Egmore, Chennai in Crime No.899 of 2009 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.V.Karthic, Senior Counsel
for Mr.A.M.Esakkiappan

For Respondents : Mr.C.Raghavan
Government Advocate for R1

O R D E R

This petition has been filed to quash the proceedings in P.R.C No.43 of 2015, on the file of the V Metropolitan Magistrate, Egmore, Chennai.

2. The respondent has filed a complaint before the Court below for an offence under Section 392 r/w 394, 397 r/w 120B and 109 IPC. There are totally five accused persons in this case and the petitioner has been arrayed as A2 in the final report.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the 1st respondent. The 2nd respondent has been served notice and his name has been printed in the cause list and there is no appearance for the 2nd respondent either in person or through the counsel.

4.This Court has carefully considered the submissions made on either side and the materials available on record.

5. A careful perusal of the final report and the statement recorded from the witnesses in the course of investigation shows that there are prima facie materials as against the other accused persons. However, insofar as the petitioner is concerned, he has been roped in this case only based on the confession given by the accused persons in the presence of the police. The confession given before the police is spoken by LW12 and LW13. Apart from this, there is absolutely no other material available as against the petitioner.

6.The confession given by the accused in the presence of police is inadmissible in evidence. The statement of LW12 and LW13 will not in any way improve the case of the prosecution insofar as the petitioner is concerned. Therefore, no useful purpose will be served in making the petitioner undergo the ordeal of trial before the Court below. The continuation of the proceedings against the petitioner will be an abuse of process of Court which requires the interference of this Court under Section 482 of Cr.P.C.

7. In the result, the proceedings in P.R.C No.43 of 2015, on the file of the V Metropolitan Magistrate, Egmore, Chennai, is hereby quashed insofar as the petitioner is concerned. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

uma

To

1. The V Metropolitan Magistrate,
Egmore, Chennai

2. Inspector of Police (Crime)
K-4, Anna Nagar Police Station
Anna Nagar, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+2cc to M/s.A.Esakkiappan, Advocate, SR.No.8106

CrI.O.P.No.2238 of 2019
and
CrI.M.P No.1460 of 2019

CP(CO)
KKV/11/03/2021



WEB COPY