

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 25.03.2021	Delivered on 29.03.2021
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CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP No.4255 of 2021
and
Crl.MP.No.2717 of 2021

K.Subburaj ..Petitioner/Accused No.3

.Vs.

1.State Rep.by
Inspector of Police,
N-2, Kasimedu Police Station,
Chennai 600 013.
Crime No.60 of 2019

2.S.Raja ...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and papers relating to Cr.No.60 of 2019, on the file of the respondent and quash the FIR dt.20.01.2019.

For Petitioner : Mr.K.M.Ramesh
(in Both Crl.OPs)

For Respondents : Mr.M.Mohamed Riyaz
(in Both Crl.OPs) Additional Public Prosecutor
for R 1

(in Both Crl.OPs): No Appearance for R 2

ORDER

This criminal original petition has been filed challenging the FIR registered in Crime No. 60 of 2019 by the 1st Respondent police.

2.The case of the prosecution is that the de facto complainant found some of the persons consuming liquor in a public place and when he questioned about the same, they abused the defacto complainant in filthy language and attacked him with

hands, and also criminally intimidated him. Based on the statement recorded from him, the Respondent police registered an FIR against two named accused persons and others for offences under Sections 341, 294(b), 323, 324, 506(ii) of the Indian Penal Code, 1860 (hereinafter referred to as "IPC").

3. In the above incident, one Mr. Sathyaraj was taken into custody on 01.01.2019. The Petitioner is the brother of the said Mr. Sathyaraj. The Petitioner seems to have questioned the police for taking custody of his brother and also for dealing with him badly in the police station.

4. It is pursuant to this incident, the Petitioner was also made as an accused person in this case. The Petitioner was also called for inquiry by issuing summons under Section 41-A of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C."). The case continued to be kept at the FIR stage and hence, the Petitioner approached this Court seeking to quash the FIR. This Court by an order dt. 19.07.2019 made in CrI. O.P. No. 19102 of 2019, directed the Respondent police to complete the investigation and file a final report or a closure report, as the case may be within a period of three months. This order was not complied with and the final report was not filed. Left with no other option, the present criminal original petition has been filed.

5. Heard Mr. K.M.Ramesh, learned counsel appearing on behalf of the Petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the 1st Respondent.

6. The main ground that has been urged by the learned counsel for the Petitioner is that the Respondent police are proceeding against the Petitioner without any basis and the entire action is attended with malafides. It was submitted that various FIRs came to be filed by the police since the Petitioner was questioning their action and he was giving a complaint before the higher authorities and the Human Rights Commission. It was submitted that the Petitioner was well known to the defacto complainant and if really the Petitioner was involved in the incident, the defacto complainant would have named the Petitioner even while giving the complaint to the police. It was also brought to the notice of this Court that the Petitioner is a law graduate and the Respondent police is foisting one case after another against the Petitioner only to prevent him from enrolling as an advocate.

7. It is seen from records that every FIR that is registered against the Petitioner emanates only from the police. This Court has entertained quash petitions as against the other cases registered against the Petitioner only on the ground that the Petitioner is being targeted by the police. In all these cases, it is also seen that statements are collected from the

police officers belonging to the same police station where the FIR is registered.

8. In the considered view of this Court, the Petitioner has been roped into this case without any basis and the Respondent police is intentionally keeping the FIR pending for more than two years. The action on the part of the Respondent police in adding this Petitioner as an accused in this case is clearly attended with malafides.

9. In the result, the FIR in Crime No.60 of 2019, pending investigation on the file of the 1st Respondent is quashed insofar as the Petitioner is concerned and this Criminal Original Petition is accordingly allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1. Inspector of Police,
N-2, Kasimedu Police Station,
Chennai 600 013.

2. The Public Prosecutor,
High Court, Madras.

+3ccs to Mr.k.M.Ramesh, Advocate, Sr.No. 20065

SSN(CO)
RMP(29/03/2021)

Cr1.OP No.4255 of 2021

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