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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM

THE HON'BLE MS.JUSTICE R.N.MANJULA

CRL.O.P.NO.4227 OF 2019

AND

CRL.M.P.NO.3271 OF 2019

Mohammed Ubaid

...Petitioner/Accused

.Vs.

1. State by Inspector of Police,
P-5, MKB Nagar Police Station,
MKB Nagar, Chennai - 39.

2. Nagoormaran

...Respondent/complainant

PRAYER :

This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to quash the First Information Report in Cr.No.808/2018, on the file of the respondent Police u/s 379 r/w 511 of IPC.

For Petitioner : Ms.S.Vidya

For Respondent : Mrs.G.V.Kasthuri

Additional Public Prosecutor for R1

No appearance for R2

O R D E R

This petition has been filed under Section 482 Cr.P.C., to quash the First Information Report in Cr.No.808/2018, on the file of the respondent Police u/s 379 r/w 511 of IPC.

2. The petitioner herein is the second accused. The case has been registered for the commission of offence under Section 379 r/w 511 of IPC, on the complaint given by one Nagoormaran. In the complaint, it is alleged that on 21.07.2018, he parked his vehicle near his gate and the same was found



missing on the next day. He saw a person running away from the vehicle on the morning of 22.07.2018. He ran then and saw his vehicle and that the side-lock of his vehicle was broken. There was an attempt to steal the vehicle. On the confession given by the first accused, the second accused has been impleaded as an accused in this case.

3. Now the learned counsel for the petitioner/second accused would submit that except the confession of the co-accused, there are no other materials available as against this petitioner to maintain the charges under Section 379 r/w 511 of IPC. It is further submitted that the vehicle was not stolen and the side-lock alone was broken. It is further submitted that even the complainant has stated in his complaint that he noticed only one person was running away from the vehicle and it was the first accused and the petitioner/second accused has not involved in any offence and he is a college student.

4. On instructions, the learned Additional Public Prosecutor submitted that it is a case where an attempt to steal the vehicle was committed and in which the petitioner is also involved. The first accused has given a confession and in which he has stated about the involvement of the second accused also. The complainant himself did not know who had committed the attempt of stealing his vehicle by breaking its side-lock. When he came out, he could notice one person running away from the vehicle. This does not mean that there can be only one person involved in the crime. During investigation, some materials have been gathered from the confession of the first accused and through which the involvement of the second accused was found.

5. It may be true that the confession of the co-accused is a weak piece of evidence and on that score the petitioner may set a good defence, if the prosecution is not able to produce any other material before the trial Court. However, there are many facts which have to be proved during the course of trial. The complaint is not an encyclopaedia, in which every detail can be found out. Only during the investigation the veracity of its allegations can be tested and the mystery can be solved. Even though there is no direct mention about the name of the accused in the complaint, the investigation reveals about the involvement of the petitioner in this case. Since there are sufficient materials available on record to proceed with the case against this petitioner, I do not find any reason to exercise the inherent jurisdiction of this Court to the quash proceedings.

6. In the result, this Criminal Original Petition stands dismissed. However, it is open to the petitioner to raise all the grounds now raised before this Court, as his defence before



the trial Court. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

- 1 The Inspector of Police,
P-5, MKB Nagar Police Station,
MKB Nagar, Chennai - 39.
- 2 The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.4227 of 2019
and
Cr1.M.P.No.3271 of 2019

AD(CO)
PM/24/11/2021