



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11938 of 2021

C.Gowthaman

... Petitioner/
Accused No.1

.vs.

1.The State rep.by
Inspector of Police,
Nangavalli Police Station,
Salem District.

...1st Respondent /
Complainant

Crime No.134/2021

2.Senthil Kumar

...2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in Crime No.134/2021 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.M.Subash

For 1st Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. side)

ORDER

This petition has been filed to quash the FIR in Crime No.134/2021, pending on the file of the 1st respondent.

2.The gist of the case is that on 18.04.2021 at about 6.30 p.m., when the de facto complainant travelling in his vehicle bearing registration No.TN 93 B 7166, the petitioner waylaid the de facto complainant and robbed a sum of Rs.1,150/- at knife point and subsequently, he has left the place of occurrence with his two wheeler bearing registration No.TN30 BX 7447.

3.The learned counsel for the petitioner submitted that he had not indulged in any offence. He further submits that the



petitioner's vehicle was parked at his home and the same was recorded in the CCTV of his house. He submits that as per the FIR, the occurrence took place on 18.04.2021 at 6.30 p.m., and the complaint has been lodged only on 20.04.2021 and the FIR reached the court on 23.04.2021, which would prove that the petitioner has been falsely implicated in this case. Hence, he filed a quash petition.

4.The learned Government Advocate (Crl. Side) submits that since the petitioner is a habitual offender, he was detained under Goondas Act vide detention order dated 01.05.2021 in a case No.19/2021. The case in Crime No.134 of 2021 is the ground case, which is now the subject matter before the Board and in Habeas Corpus Petition.

5.In view of the above, this Court is not inclined to consider the petition. Hence this criminal original petition is dismissed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

kp

To

1. Inspector of Police,
Nangavalli Police Station,
Salem District.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.11938 of 2021

SKY (CO)
SB(10/08/2021)