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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.O.P.NO.12413 OF 2021

AND

CRL.M.P.NOS.6936 & 6937 OF 2021

Selvakumar

... Petitioner

Versus

1. The Inspector of Police,
Steel Plant Police Station,
Salem City.
Cr.No.253 of 2019.

2. Duraimurugan

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.490 of 2020 on the file the learned Judicial Magistrate No.1, Salem and quash the same.

For Petitioner : Mr.M.Subash

For R1 : Mr.A.Damodaran,
Counsel for Government of Tamil Nadu

ORDER

This Criminal Original Petition has been filed by the petitioner to to call for the records in C.C.No.490 of 2020 on the file the learned Judicial Magistrate No.1, Salem and quash the same.

2. The learned counsel for the petitioner would submit that he is not involved in this case and it is only a civil dispute given criminal colour. There is no recovery or commission of offence. Hence the case in C.C.No.490 of 2020 is liable to be quashed.



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3. The learned Government Advocate (Criminal Side) appearing for the official respondent submitted that the petitioner was involved in this case and there is a specific overt act as against the petitioner and even the co-accused also given the confession statement and in which there is a specific overt act as against the petitioner. He seeks the dismissal of the petition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the official respondent and perused the records.

5. On a perusal of the record, it is seen that there are specific allegations against the petitioner and the co-accused has also given the confession statement wherein specific overt act has been attributed as against the petitioner. Only based on the said confession statement, the petitioner has been implicated in the case. Considering the facts and circumstances, this Court finds no ground to quash the F.I.R.

6. Accordingly the Criminal Original Petition is dismissed with liberty to the defence to take the above contentions at the time of trial. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Judicial Magistrate No.1, Salem.
2. The Inspector of Police,
Steel Plant Police Station, Salem City.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Subash, Advocate, S.R.No.34238

CRL.O.P.No.12413 of 2021
and

Crl.M.P.Nos.6936 & 6937 of 2021

UM(CO)
CS/13/08/2021