



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15789 of 2021
and
Crl.M.P.No.8610 of 2021

Hari @ Harikrishnan

...Petitioner/Accused A5

Vs.

State rep.by
The Inspector of Police,
B4- Sevvapet Police Station,
Tiruvallur District.

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the FIR in Cr.No.760 of 2018 on the file of B4 Sevvapet Police Station at Tiruvallur and quash the same.

For Petitioner : Mr.N.Naresh

For Respondent : Mr.A.Damodaran
Govt.Advocate (Crl.side)

ORDER

The petitioner, who is 5th accused in Crime No.760 of 2018 for offence under Section 399 IPC, has filed this quash petition.

2.The gist of the complaint is that on 15.12.2018, the defacto complainant/The Inspector of Police, B4-Sevvapet Police Station, Tiruvallur District, was on the routine patrol duty along with his party. When they were nearing Krishna Canal at Ayyathur, at about 10.00 a.m. six persons were sitting in the bushes and they were conversing with each other and on seeing the police party, they attempted to flee away from the scene of occurrence. Of six, three were caught hold in the scene of occurrence. All the three accused viz., A1, A2 & A3 gave confession, based on their confession, knife was seized from the scene of occurrence, which was produced. The petitioner's name has been disclosed by A3.



3.The contention of the learned counsel for the petitioner is that the petitioner is a Diploma Holder in Carpentry and he is doing Carpentry work and also doing Agriculture work. The petitioner is in no way involved in the above offence. How the name of the petitioner had been brought in the FIR is not known to the petitioner. Further, in this case, it is only an attempt to frame the petitioner. The petitioner has got no bad antecedents either before this case or after this case. Though the occurrence is said to have been taken place during 2018, till date, the investigation is yet to be completed and charge sheet to be filed. The above case has been registered for the purpose of statistic and to confine the accused 1 to 3, the above case has been registered. The petitioner has been falsely implicated in this case and no identification parade so far conducted.

4.The learned Government Advocate (Crl.side) submits that in this case, the petitioner has been arrayed as A5 on the confession of A3, who was arrested in the scene of occurrence. The Inspector of Police /the defacto complainant, who was on routine patrol duty, found the accused behind the bushes in a suspicious manner and on seeing the police party, they attempted to flee away and three of them were caught and on the confession of A3, deadly weapons recovered . He fairly admits that in this case, no identification parade has so far conducted and no case is pending against the petitioner.

5.This court finds that FIR has been registered in the year 2018. The petitioner has got no bad antecedent. No identification parade conducted. Further, the petitioner being a Diploma Holder is carrying on the avocation of Carpenter and he is peacefully residing with his family.

6.In view of the same, this Court finds that no materials are available against the petitioner except the confession of A3, which is not corroborated. Therefore, this court is inclined to quash the petition. Accordingly, the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sms



To

1. State rep.by
The Inspector of Police,
B4- Sevvapet Police Station,
Tiruvallur District.

2. The Public Prosecutor (Criminal Side)
High Court, Madras.

+lcc to M/s.N.Naresh, Advocate, S.R.No.46070

Crl.O.P.No.15789 of 2021
and
Crl.M.P.No.8610 of 2021

SRA(CO)
RGA(28/09/2021)