



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17662 OF 2021

AND

CRL.M.P.NO.9686 OF 2021

1. Sakthi @ Sathyasanthan
2. Mathan

... Petitioners

Versus

1. The State Rep. by
The Sub-Inspector of Police,
Thirukanur Police Station,
Pondicherry.

2. Jarlesson

... Respondents

PRAYER:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to impugned the First Information Report registered in Crime No.86 of 2021 dated 14.06.2021 on the file of the first respondent Police and quash the same.

For Petitioners : Mr.E.Anbarasan

For Respondent : Mr.V.Balamurugane for R1
Public Prosecutor
(Puducherry)

O R D E R

This petition has been filed to call for the records relating to the impugned First Information Report registered in Crime No.86 of 2021 dated 14.06.2021 on the file of the first respondent Police and quash the same.

2. The petitioners, who are A1 & A2 in Crime No.86 of 2021 for the offence under Section 379, 34 and Section 3 of the Prevention of Damaging of Public Property Act, 1984, have filed this quash petition.



3. The primary ground taken by the petitioners is that an FIR came to be registered on 13.06.2021 on the complaint of one Head Constable viz., Jarlesson attached to the respondent Police. In the complaint, it is stated that river sand found in a vacant plot at Lakshmi Nagar and the petitioners have been fixed as accused in this case. It is further stated that one Swaraj Masda Vehicle is said to have unloaded the river sand. However, the petitioners submitted that they do not own Swaraj Masda Vehicle and they have only Eicher Vehicle. He further submitted that there is enmity between the first petitioner and one Mr.Kumar, Sub-Inspector of Police, attached to the respondent Police Station. He further submitted that the said Kumar lodged a complaint to the Police, Puducherry, and a case in Crime No.86 of 2021, came to be registered. In this regard, the petitioner made a police complaint, wherein, the Puducherry Police Complaints Authority has directed the Director General of Police, Puducherry to conduct an enquiry. Further, there is no witness to identify the involvement of the petitioners in the case. Hence, they sought to quash the FIR.

4. The learned Public Prosecutor (Puducherry) submits that on the Police complaint dated 22.09.2021, the Inspector of Police, was directed to probe into the matter thoroughly under the supervision of the Special Sub Inspector of Police. He further submitted that in this case investigation was already completed and charge sheet has been filed in Charge Sheet No.96 of 2021. The Vehicle bearing Reg.No.KL-40-A-1689 belongs to the first petitioner and the other petitioner is his brother. Revenue Department found 2 1/2 units of river sand in the plot. Independent witnesses namely, one Parandhaman, MayaKrishnan and Saran, were enquired and they stated that the petitioners unloaded the river sand in the Vehicle in the open plot. Recording all the statements of enquiry and collected documents, now charge sheet has been filed. Hence, he sought to dismiss this petition.

5. In view of the same, this Court is not inclined to entertain the Petition. However, the petitioners are given liberty to raise all the points before the Lower Court.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



dna

To

1. The Sub-Inspector of Police,
Thirukanur Police Station,
Pondicherry.
2. The Public Prosecutor (Puducherry),
High Court, Madras.

+1cc to Mr.E.Anbarasan, Advocate, S.R.No.63560

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PMK(CO)
PBS/15/12/2021