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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23211 of 2021

and

Cr1.M.P.No.12718 of 2021

Kantha Rao

... Petitioner/Accused

Vs.

1. State Represented by
The Inspector of Police,
B-1, North Beach Police Station,
Chennai District.
(Cr.No.346/2019)

2. Mohammed Azharuddin

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.346 of 2019, on the file of the Inspector of Police, B-1, North Beach Police Station, Chennai District and quash the same, as against the petitioner.

For Petitioner : M/s.G.Gayathri

For Respondents: Mr.E.Raj Thilak
Additional Public Prosecutor for R1

O R D E R

The petitioner has filed this petition seeking to call for the records and to quash the FIR in Crime No.346 of 2019 on the file of the 1st respondent.

2. The petitioner is arrayed as Accused No.5 for the offence under Section 379 of IPC.

3. The learned Additional Public Prosecutor has raised objection stating that a sum of Rs.12,00,000/- were committed theft. As per the FIR, allegation for a sum of Rs.12,00,000/-, belongs to the defacto complainant was stolen by



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this accused along with other accused and only meagre amount was recovered and more than Rs.11,00,000/- yet to be collected. Apart from that, three accused were arrested, A1, A2 and one more accused were still absconding, due to that they have not able to conduct the investigation. Further he raised another objection stating that this accused, at the time of investigation, six cell phones were recovered, though he is a senior citizen, but he belongs to the place where all the accused were residing, which needs detailed investigation.

4. On seeing the nature of the allegation as well as the involvement of this accused, even though he is a senior citizen, but six cell phones were recovered, considering the facts of the case, I don't find any prima facie material to quash the proceedings against the petitioner.

5. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions, if any, is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

drl

To

1. The Inspector of Police,
B-1, North Beach Police Station,
Chennai District.
2. The Public Prosecutor,
Madras High Court.

Cr1.O.P.No.23211 of 2021

PL(CO)
SU(28/12/2021)