



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 06.08.2021

Pronounced on : 16.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

CRL OP (MD) No.10357 of 2021

and CrI.M.P (MD) No.5299 of 2021

WEB COPY

1. Manikandan
2. Alagumani
3. A.Ramakrishnan

... Petitioners/Accused 1 to 3

-Vs-

State
rep. by Sub Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
(Crime No.149/2021)

... Respondent/Complainant

PRAYER: Criminal Petition is filed under section 482 of Criminal Procedure Code, to call for the records relating to FIR in Crime No.149 of 2021, dated 18.05.2021 on the file of the Sub-Inspector of Police, T.Kallupatti Police Station, Madurai District and quash the same as against the petitioners.

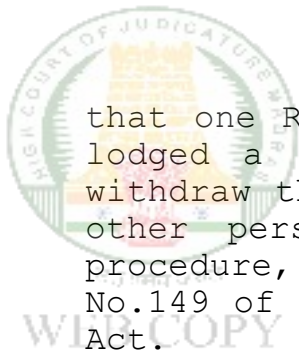
For Petitioners : Mr.P.Senguttuarasan
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

O R D E R

This petition is filed seeking quashment of the First Information Report in Crime No.149 of 2021, dated 18.05.2021 on the file of the Sub-Inspector of Police, T.Kallupatti Police Station, Madurai District.

2. The case of the prosecution in brief:

On 18.05.2021 at about 5 a.m, information was received from the control room to the effect that a anonymous call came from phone no. 6384748518 that a vehicle bearing registration No. TN 58 Q 7967 is kept parked near a house in which a board 'Naina Garden' was put up and the said vehicle was stored with ganja. On the basis of this cryptic information, the defacto complainant went to the place of occurrence and found that a white colored plastic cover with ganja, was found. So it was recovered on that place itself in the presence of the above said police team and enquiry was made with the owner of the vehicle namely, Chandran. He informed that he was unaware of the planting of ganja in his two wheeler. But however, he has stated



that one Ramakrishnan, who abused his female child sexually, so he lodged a complaint and the said Ramakrishnan pressurized him to withdraw the complaint and except that there was no enmity with any other person. On weighing it was found 1.250 kg. As per the procedure, samples were taken and case was registered in Crime No.149 of 2021 under Sections 8(c) r/w Section 20(b)(ii)(B) of NDPS Act.

3. In pursuance of the above registration of the First Information Report, investigation was undertaken and pending investigation, this petition came to be filed by the petitioners on the ground that it is purely false case and they are no way involved in the above said occurrence. The procedure to be followed by taking the sample and registration of the First Information Report are not properly followed.

4. The entire CD file has been sent for and it has been produced by the learned Additional Public Prosecutor.

5. Heard both sides.

6. The entire perusal of the CD file shows that one Ramakrishnan, is a Assistant Head Master in T.Kallupatti Higher Secondary School. Allegation has been made against him to the effect that he misbehaved with a female child of the abovesaid Chandran for which a complaint has been registered and he has been arrested and later released on bail. Now for the purpose of pressurizing the abovesaid Chandran he sent mediators and that did not give any result. According to the prosecution, he arranged a person to plant ganja in the two wheeler of the abovesaid Chandran to implicate him in a drug offence. So this is the story of the prosecution.

7. So it requires a proper investigation. No materials have been placed by the petitioners warranting quashment of the investigation at the initial stage. The whole investigation revolves around the anonymous call that has been made from one phone number mentioned in the complaint. A perusal would show that investigation has been undertaken in a right direction properly. Even the anticipatory bail application filed by the petitioners came to be dismissed since serious allegation has been levelled against the petitioners. Unless there is a illegality in the whole process, the investigation cannot be stalled. The fact that no proper procedure has been adopted while taking samples and registration of the First Information Report cannot be a ground now. It is the matter for proper investigation and trial whether the petitioners are involved in the abovesaid planting of ganja in two wheeler of the abovesaid Chandran can be found only during the course of investigation.

7. I find no merits in this petition warranting interference at the stage of investigation. As I mentioned earlier, it is a serious
<https://hcservicesportal.com/hcservices/> should go to through investigation and trial. I



find no merit in this petition and it deserves for dismissal. Accordingly, the same is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

The Sub Inspector of Police,
T.Kallupatti Police Station,
Madurai District

COPY TO:-

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL OP (MD) No.10357 of 2021
16.09.2021

GC(04.10.2021) 3P 3C