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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.OP.NO.8198 OF 2022

AND

CRL.MP.NO.4773 OF 2022

Boominathan

... Petitioner/A3

Vs.

1. The Inspector of Police,
Ramanatham Police Station,
Cuddalore District
(crime No.256 of 2021)

2. Annamalai

... Respondents/Complainant/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to SC.No.1 of 2022 on the file of the court of Assistant Sessions Judge, Thittakudi, Cuddalore District and quash the same.

For Petitioner : Mr.M.Velmurugan

For Respondents

For R1

: Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.1 of 2022 on the file of the learned Assistant Sessions Judge, Thittakudi, Cuddalore District.

2.The learned counsel appearing for the petitioner would submit that the petitioner is facing trial for the offences under Sections 394 and 397 of IPC along with two other accused. He would further submit that the first respondent police



conducted test identification parade and the defacto complainant was not able to identify the petitioner in the test identification parade. Further, no recovery has been made from the petitioner.

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3. The learned Additional Public Prosecutor would submit that the petitioner along with two other accused committed robbery and they have taken amount of Rs.93,000/- from the defacto complainant. He would further submit that the test identification parade is not substantive evidence and he would further submit that there are other materials to connect the petitioner to the crime and the petitioner has not made out any legal grounds for quashing the proceedings and the grounds raised by the petitioner are matter for trial.

4.This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

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

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Sessions Judge,
Thittakudi, Cuddalore District.
2. The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

Cr1.OP.No.8198 of 2022

GMR(CO)
RLP(04/05/2022)