

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P. No.7938 of 2022

&

Cr1.M.P.No.4594 of 2022

G.Arjunan ... Petitioner / Sole Accused

Vs.

1. State through The Inspector of Police,
Vikravandi Police Station,
Villupuram District.
[Crime No.142 of 2021]

...1st Respondent / Complainant

2. Prasanna

...2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the First Information Report registered in Crime No.142 of 2021 pending investigation on the file of the first respondent.

For Petitioner : Mr.R.Ganesh Kumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor - R1

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.142 of 2021 pending investigation on the file of the first respondent for the offences under section 379 of IPC and Sections 135 [1] [a] and 138 [1] [a] of Electricity Act, 2003.

2. The crux of the allegation in the First Information Report is that petitioner has illegally tapped electricity and thereby caused loss to the Department. On the basis of the complaint given by the Assistant Engineer of the Electricity

Department, the First Information Report has been registered against the petitioner. The same was sought to be quashed mainly on the ground that the Revenue Department, after registration of the First Information Report, has given a report as if the line in question was in possession of some else and that the petitioner is not in occupation of the land. Similarly reliance has also been placed on the patta said to have been issued in the name of somebody else.

3. The learned Additional Public Prosecutor appearing for the respondents submitted that there are prima facie materials against the petitioner and witnesses have clearly spoken about the role played by the petitioner in the commission of the offence and hence, prayed to dismiss this petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

5. At the outset, this Court is unable to accept the contentions of the learned counsel for the petitioner for the simple reason that the document referred by the petitioner came into existence after the registration of the First Information Report in order to non suit the First Information Report. A perusal of the entire First Information Report discloses cognizable offence against the petitioner and it is for the Investigating Officer to unearth the materials during the investigation and file the final report. When the allegations, prima facie, discloses ingredients of the offences, the First Information Report has to be proceeded for its logical end. The Court cannot interfere during investigation, unless and until the First Information Report is a clear abuse of process of law and the materials do not constitute any offence. Hence, I do not find any merits to quash the First Information Report at this stage.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vrc

To,

1. The Inspector of Police,
Vikravandi Police Station,
Villupuram District.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.7938 of 2022

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