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Crl.O.P.No.23311 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.23311 of 2022

and

Crl.M.P.No.14891 of 2022

R.Udhayakumar

...

Petitioner

/vs/

The State Rep.
by its Inspector of Police,
T9-Pattabiram Police,
(Crime No.24 of 2019)

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 Cr.P.C. to call for the records of FIR in Crime No.24 of 2019 on the file of the respondent and quash the same.

For Petitioner

...

Mr.K.Tamilarasan

For Respondent

...

Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The criminal original petition has been filed challenging the FIR in Crime No.24 of 2019, which was registered on 10.01.2019 under Section 399 IPC.



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2.The learned counsel for the petitioner contended that the petitioner is the one of the accused among the five accused. There is no specific allegation, from whom, the alleged knives have been seized. Only based on the confession implicated, no offence under Section 399 IPC is made out. Hence, seeking to quash.

3.The learned Government Advocate (Crl.side) submitted that the matter is under investigation and final report will be filed, after completion of the investigation.

4.On perusal of the records, FIR reveals that on 10.01.2019, when the respondent police is in Patrol duty, they found five members in a similar place are sitting in an Auto bearing registration TN 20 C 8262 and also possessing two knives and on enquiry, they found that they are ready to prepare some robbery. Hence, all are arrested and confession has been recorded and a case has been registered in Crime No.24 of 2019 under Section 399 IPC, it is under investigation. Therefore, it does not meet the



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parameters laid down by the Supreme Court in *State of Haryana vs.*

Ch.BhajanLal (AIR 1992 SC 604), M/s Neeharika Infrastructure Pvt.

Ltd. Vs. State of Maharashtra and others (2021 SCC online 315) &

PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 Crl.L.J.817), the

matter has to be investigated to find out the truth. Therefore I find no merit in the present petition.

5.Accordingly, the criminal original petition is dismissed with the direction to the respondent police to complete the final investigation as early as possible. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

Internet : Yes/No

sms

28.09.2022

To

1.The Inspector of Police,
T9-Pattabiram Police,
(Crime No.24 of 2019)

2.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

sms

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