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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.24490 of 2021

&

CRL.M.P.No.13486 of 2021

M.Venkatesa Prabu

... Petitioner/7th Accused

Versus

1. State of Tamil Nadu
rep by Inspector of Police,
DCB Police Station,
Coimbatore District.
(Crime No.21 of 2021).

... 1st Respondent/Complainant

2. Maharroof

... 2nd Respondent/De facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973 to call for the records relating to Crime No.21 of 2021 before the 1st Respondent Police and quash the same.

For Petitioner : Mr.T.Gowthaman

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

O R D E R

The petitioner/A7 in Crime No.21 of 2021 for the offence under Sections 147, 148, 294(b), 323, 506(2), 307, 406, 420, 419, 489B, 489C, 120B of IPC and 25(1A) of Arms Act has filed this Quash application.



2. The learned counsel for the petitioner submitted that the petitioner is an unnamed accused in this case and that he has been falsely implicated based on the confession of the 1st accused and the petitioner has nothing to do with the said offence. The petitioner is Weight-lifter and gold medalist participated in the Common Wealth Powerlifting and Bench Press Championship. Further he is a reputed Weightlifter, had cleared the physical examination for the recruitment of the Police Constable. He is shortly to attend the interview, due to the implication of the petitioner in the above case by the vested interest people, who are working against the petitioner, the petitioner's chances of getting rejected and not getting selected are very much high. The petitioner has got no previous antecedents. The case itself is with high improbability and the defacto complainant in this case is doing Ready made business and due to Covid - 19 pandemic situation, he did not have sufficient income and business. Hence he had conveyed the same to his friends who in turn introduced the defacto complainant to the 4th accused, who promised that there is a rice pulling instrument which will bring good fortune is available with the Tribal people and the District Collector authorized A1 and A3 to sell the same claiming that the rice pulling article was available for a sum of Rs.22,50,000/-. Believing the same the defacto complainant paid Rs.7,50,000/- initially to the A1 and A3, further he had parted a sum of Rs.16,50,000/- to them on trust. When he found that he was cheated, thereafter when he questioned the A1 and A3, they had brought the petitioner and threatened him. The petitioner exhibiting his physique acted as a bouncer to the other accused.

3. The learned Additional Public Prosecutor submitted that in this case investigation is in progress. The petitioner had acted as a bouncer and a deterrent saving the other accused, his role and involvement with the other accused have to be verified. His name is not found in the First Information Report and he has been arrayed on the confession of the co-accused.

4. Considering the submissions, this Court direct the respondent police to conduct the investigation, to give preference, without delay file Final Report within a period of 3 months. With regard to the role of the petitioner, unless it is confirmed with the other materials, Final Report not to be filed against him. The petitioner's recruitment prospects into the police department shall not get affected for the reason unless he is arrayed as an accused in the Final Report.

5. With the above directions, this Criminal Original



Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

dpq/mdl

To

1. The Inspector of Police,
DCB Police Station,
Coimbatore District.
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.T.Gowthaman, Advocate, S.R.No.7131

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AK-II (CO)
SU (23/02/2022)