



Crl.O.P.No.25968 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.25968 of 2022

and

Crl.M.P.No.16040 of 2022

R. Rithik Raj

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
B4, Baluchetty Chatram Police Station,
Kanchipuram District.

... Respondent

Prayer : The Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and quash all the proceedings against the petitioner / accused in Crime No.356 of 2022 dated 25.06.2022 pending on the file of 1st respondent police.

For Petitioner ... Mr. L. Narayanan

For Respondent ... Mr. S. Santhosh,
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition is filed challenging the case registered in Crime No.356 of 2022 dated 25.06.2022 for the offences punishable under Sections 394 r/w 397 IPC.

2. Learned counsel for the petitioner contended that the petitioner is not a named accused in the FIR, his friends involved in this case, so the petitioner is falsely implicated in this case. Therefore, needs to be quashed.

3. When the matter is taken up, the learned Government Advocate (Crl.Side) submitted that the investigation is pending.

4. Considered the rival submissions and perused the records.

5. On perusal of records, it is seen that one Kirupakaran S/o Kanniyappan was admitted in Kancheepuram Government Hospital for injuries. The respondent-police went to Government Hospital and recorded



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the statement of the complaint, in which he had stated that on 24.06.2022 after finishing his work, at about 11.00 pm, he went along with his uncle, to go to home in a two wheeler bearing Registration No.TN-21-BH-7714 near Vinayagar Temple at about 11.30 pm, an unidentified six persons came in two motorcycles, intercepted them and assaulted with iron rod and knife and thereby, the complainant sustained injuries on his head. The people snatched the cell phone and also cash Rs.2000/- from them and escaped from the place of occurrence. Thereafter, he admitted in the hospital and given a statement. During the course of investigation, the respondent police included the petitioner as an accused and involved in the crime.

6. Under these circumstances, *prima facie* the fact discloses, cognizable offence to be investigated. The investigation is at beginning stage. Under these circumstances, it is inappropriate to quash the FIR. I find no merit in the contention of the learned counsel for the petitioner. Further, it does not meet the parameters laid down by the Hon'ble Supreme Court in the cases in *State of Haryana vs. Ch.BhajanLal (AIR 1992 SC*



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604), M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra

and others (2021 SCC online 315) & PRATIBHA RANI Vs.SURAJ

KUMAR & ANR (1985 CrI.L.J.817), the matter has to be investigated to find out the truth. Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore, I find no merit and investigation has to be conducted to find out the truth.

7. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

28.10.2022

AT

Index : Yes/No



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V.SIVAGNANAM ,J.

AT

To

1.The Inspector of Police,
B4, Baluchetty Chatram Police Station,
Kanchipuram District.

2.The Public Prosecutor,
High Court of Madras.

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