



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD)No.5962 of 2020

and

W.M.P (MD)Nos.5160 and 5162 of 2020

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Jones Darwin

... Petitioner

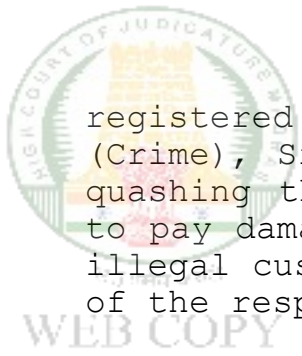
.Vs.

- 1.State represented by,
The Secretary to the Government,
Government of Tamil Nadu,
Home-Prohibitin and Excise Department,
Secretariat, Fort St. George,
Chennai.
- 2.The Commissioner of Police,
Tiruchirapalli City,
Tiruchirapalli.
- 3.The Inspector of Police(Crime),
Srirangam Police Station,
Tiruchirapalli.
- 4.The Inspector of Police(Crime),
Thillai Nagar Police Station,
Tiruchirapalli.
- 5.The Inspector of Police(Crime),
Government Hospital Police Station,
Tiruchirapalli.
- 6.The Inspector of Police(Crime),
Ariyamangalam Police Station,
Tiruchirapalli.
- 7.Ferozkhan,
Sub-Inspector(Crime),
Srirangam Police Station, Tiruchirapalli.
- 8.Raju,
Special Sub-Inspector (Crime),
Srirangam Police Station, Tiruchirapalli.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the First Information Report

<https://hcservices.ecourts.gov.in/hcservices/>



registered in Crime No.410/2019 by the Sub-Inspector of Police (Crime), Srirangam Police Station, Tiruchirapalli, dated 19.08.2019 quashing the same and consequently directing the second respondent to pay damages to the petitioner in a sum of Rs.50,00,000/- for the illegal custody and torture meted out to the petitioner at the hands of the respondents 3 to 8.

For Petitioner : Mr.S.K.Mani
For R-1 to R-6 : Mr.A.Thirvadi Kumar,
Additional Public Prosecutor

ORDER

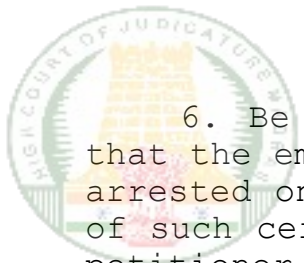
The writ petition has been filed to quash the F.I.R registered against the petitioner in Crime No.410 of 2019 for the alleged offence under Sections 392 and 397 of I.P.C., which is a case of chain snatching.

2. It is the contention of the petitioner that the case has been falsely foisted against him. Previously also, he has been implicated in similar offence in Crime Nos.89, 109, 358 and 367 of 2019 spanning from 12.02.2019, 10.05.2019, 23.07.2019 and 27.07.2019 respectively. It is the further contention that the petitioner was taken to illegal custody from his employment place. Thereafter, he was subjected to physical violence by the police and therefore, the entire F.I.R has to be quashed.

3. It is submitted by the learned counsel for the petitioner that in the F.I.R in Crime No.410 of 2019, no identity of the accused is mentioned. Therefore, this is also one of the grounds to quash the F.I.R and transfer the investigation of the above said cases to CBCID.

4. Heard Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor for the State.

5. A perusal of the F.I.R in Crime No.410 of 2019 shows that the case has been registered for the offence under Sections 392 and 397 of I.P.C. It is the base case for arresting the accused. A perusal of the very complaint shows that the accused after accomplishing the chain snatching, tried to ran away from the scene of occurrence and while he was running, he fell down, the public gathered and appeared to have caught him red handed and handed over to the police. The Wound Certificate issued by the hospital also indicates that he fell down while running. In the remand report also, the petitioner has stated that he got injured when he slipped from the motor cycle. These facts clearly indicate that the accused caught red handed and was handed over to the police and he never spoke about the alleged torture by the police.



6. Be that as it may, it is the contention of the petitioner that the employer has issued a certificate to the effect that he was arrested on 16.08.2019. It is to be noted that merely on the basis of such certificate said to have been issued by the employer of the petitioner, it cannot be concluded that such fact has been proved. The same required to be proved before the Court of law and it is a matter of evidence.

7. The F.I.R also indicates the *prima facie* allegations against the petitioner and that, he sustained injury and caught red handed by the police. The contention of the petitioner that he was subjected to physical violence by the police, cannot be inferred at this stage. It is a matter of evidence, which has to be seen only in the trial.

8. In such view of the matter, I do not see any merit in this petition to quash the F.I.R and to transfer all the other cases to C.B.C.I.D.

9. In the result, the writ petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Secretary to the Government,
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Ariyamangalam Police Station,
Tiruchirapalli.

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) No.5962 of 2020

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