



Crl.O.P.(MD) No.9208 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14067 of 2022

and

CrI.M.P.(MD).No.9037 of 2022

Shanmugapandi

...Petitioner

VS

The Inspector of Police
Panavadalichathiram Police Station,
Tenkasi District.
In Crime No.288 of 2018

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in FIR in Crime No.288 of 2018, dated 07.10.2018 on the file of the respondent Police and quash the same in so far as against the petitioner.

For Petitioner : Mr.M.Murugaraj

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.288 of 2018, dated 07.10.2018 on the file of the respondent Police.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is not arrayed as accused and there is no allegation against the petitioner for committing any offence. He further submitted that the FIR has been registered under Sections 41(1)(d) and 102 of Cr.P.C. He further submitted that the petitioner has not committed any offence as alleged by the prosecution. Hence, he prayed for quashing of the FIR.

3.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that so far accused persons have not been identified. Only on suspicious, a case in Crime No.288 of 2018 has been registered against the petitioner and others. He further submitted that the investigation has been completed and a final report has been filed before the Judicial Magistrate Court, Sankarankovil, on 23.10.2018.

4.I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

5.On perusal of the materials available on records, it is seen that on 07.10.2018, at 4.30 p.m, when the Sub-Inspector of Police and his team were



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conducting vehicle checkup near Aayaipatti Main Road, they found that the petitioner and other accused were driving a black color Honda Dio Scooter without registration number from south towards north, at that time, the police chased the vehicle and intercepted the same and found a white colour bag containing some Aluminium materials. On seeing the police, the accused persons escaped from the spot. Thereafter, the respondent police chased and got hold them. On enquiry, they have not disclosed any reasons about the materials. Thereafter, a case in Crime No.288 of 2018 has been registered against them for the offences punishable under Sections 41(1)(d) and 102 of Cr.P.C. As on date, no one claimed ownership of the property and there is no complaint received by the respondent police against the petitioner. The respondent police has not collected any materials to show that the petitioner has committed the offences punishable under Section IPC or any other Special Act.

6. Under these circumstances, the case has been registered against the petitioner under Sections 41(1)(d) and 102 of Cr.P.C is unsustainable and there is no allegation to show that the petitioner has committed any offence. Therefore, the allegations in the First Information Report and also the materials accompanied in the First Information Report does not disclose the cognizable offence and there is no reason or material for permitting the investigating



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officer to investigate the case further. The averments in the FIR do not disclose the crime of any offence and make out the case against the accused.

7.In the instant case the allegations made in the complaint do not constitute any offence. Therefore, by applying the principles of the ratio laid down by the Hon'ble Supreme Court in the case of ***State of Haryana vs.Ch.Bhajan Lal (AIR) 1992 SC 604*** this First Information Report needs to be quashed.

8.In view of the same, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.288 of 2018 on the file of the respondent police, is hereby quashed. Consequently connected miscellaneous petition is also closed.

25.08.2022

Internet:Yes
Index:Yes/No
vsg



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To



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- 1.The Inspector of Police
Panavadalichathiram Police Station,
Tenkasi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsg

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