



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2022

CORAM

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.14291 of 2021
and
Crl.M.P(MD)No.7485 of 2021

Santhosh

... Petitioner/Accused No.5

Vs.

1. The State represented by
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Cr.No.372 of 2021) ... 1st Respondent/Complainant
2. The Sub Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
... 2nd Respondent/
De facto Complainant

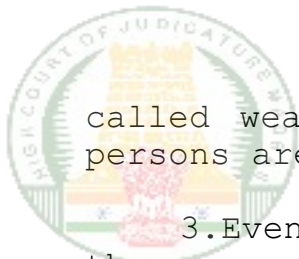
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the impugned FIR in Crime No.372 of 2021 pending on the file of the Suchindram Police Station, Kanyakumari District and to quash the same as against the petitioner.

For Petitioner	:	Mr.G.R.Satish
For Respondents	:	Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.372 of 2021 pending on the file of the Suchindram Police Station, Kanyakumari District.

2.The petitioner and others accused possessed weapons to commit dacoity. The petitioner is a college going student and he got no previous antecedents. On perusal of FIR, A1 alone possessed so



called weapons to commit the offence. As far as the other accused persons are concerned, they escaped from the scene of crime.

3. Even according to the prosecution, from the first accused, they recovered one knife, multi purpose weapon and one bag. So far as other accused are concerned, no weapons were recovered from them. To make out the offence under Section 399 of IPC is concerned, whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years. In the case on hand even according to the prosecution, the first accused alone possessed the aforesaid weapons. The mere fact that a number of persons were found collected together, some of whom in possession of weapons, does not by itself lead to the inference that they had collected there having made preparation to commit dacoity.

4. The allegation made in the FIR is bald and vague and there is no scope to attract the offence under Section 399 of IPC. That apart, so called weapons were recovered only from A1 and nothing recovered from the petitioner and other accused persons. Further the case of the prosecution is that when the police passed occurrence place, they heard the accused persons' conversation that they would put their maximum effort to earn more money and if they could achieve the same only, they can live a rich life by committing dacoity. But the entire allegation is bald and vague for making out case of statistical purpose. Further the accused persons were waiting in a place, assembled there for preparation to commit dacoity. Further admittedly, the petitioner has no previous bad antecedents.

5. In view of the above, the Criminal Original Petition is allowed and the FIR in Crime No.372 of 2021 on the file of the Suchindram Police Station, Kanyakumari District, is hereby quashed as against the petitioner alone. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

1. The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.



2. The Sub Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

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

+1 CC to M/s.G.R. SATHISH, Advocate (SR-19189[F] dated 19/04/2022)
Crl.O.P (MD) No.14291 of 2021
and
Crl.M.P (MD) No.7485 of 2021
18.04.2022

MGJ(19.05.2022) 3P 5C