



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P. (MD)No.17166 of 2021

and

Cr.M.P. (MD)No.9318 of 2021

WEB COPY

J.Wilson Kutty Babu.

... Petitioner/
Accused No.1

Vs.

1.The Inspector of Police,
Chatrapatti Police Station,
Dindugul District.
(Crime No.96 of 2021)

... Respondent/Complainant

2.Elanchezhian,
Sub Inspector of Police,
Oddanchatram Police Station,
Oddanchatram,
Dindigul District.

... Respondent/
Defacto Complainant

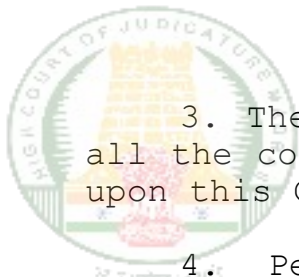
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records on the file of the first respondent, Chatrapatti Police Station, Dindigul District, in Crime No.96 of 2021 dated 12.04.2021 and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R.1

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.96 of 2021 registered on the file of the first respondent police insofar as the petitioner is concerned.

2. The Dindigul Police were on the look out for the accused in Crime No.219 of 2021 registered on the file of Oddanchatram Police Station. They received information that the accused were hiding in the farm house belonging to the petitioner herein. On 12.04.2021 at about 03.00 a.m, the poultry farm in question was raided. In the poultry farm, the Dindigul Police came across a 4 feet long Single Barrel Base Loading (SBBL) gun. The watchman - Murugesan was enquired. He implicated the petitioner herein. Since the petitioner could not produce any document explaining his ownership over the gun, the impugned FIR came to be registered. The petitioner was shown as A.1. The watchman - Murugesan was shown as A.2. The petitioner was also detained as 'Goonda' vide order dated 21.04.2021.



3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court to allow this Criminal Original Petition.

4. Per contra, the learned Additional Public Prosecutor submitted that the petitioner has been implicated based on the confession of A.2 - Murugesan. He would also state that the gun actually belonged to petitioner's uncle who was a Police Officer and who later committed suicide. He submitted that no case for quashing has been made out.

5. I carefully considered the rival contentions and went through the materials on record.

6. The petitioner categorically stated that he is not the owner of the gun and that he has no claim on it. It is not the case of the prosecution that the gun in question was recovered from the petitioner's house. On the other hand, it was seized from a poultry farm located on the foothills of Gopalasamy hill. I wanted to know, if there is any material to connect the petitioner with the place from where the contraband was seized. It is stated that the place in question belongs to one Sathyaseelan. The said Sathyaseelan is also declining to implicate the petitioner herein.

7. The local villagers are also not willing to give any statement indicating that the petitioner is in a possession of the farm in question. There is a complete absence of any material to implicate the petitioner. The prosecution is unable to link the petitioner with the place from where the gun was recovered.

8. That apart, the petitioner was already detained as a 'Goonda'. It was revoked only on 14.06.2021. The petitioner has spent 50 days in prison. There is also nothing on record to show that the recovered rifle was ever put to use for committing any offence. The petitioner does not deserve to figure as an accused any longer. The first respondent while filing final report shall not include the petitioner as an accused. The FIR is quashed. This Criminal Original Petition is allowed on these terms. Consequently, connected miscellaneous petition is closed.

Sd/-

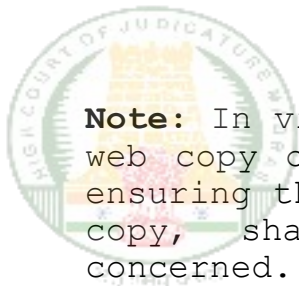
Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

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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.

WEB COPY

To

- 1.The Inspector of Police,
Chatrapatti Police Station,
Dindugul District.
- 2.The Sub Inspector of Police,
Oddanchatram Police Station,
Oddanchatram,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.C.HEROLDSINGH, Advocate (SR-1972[F] dated 21/01/2022)
CrI.O.P.(MD)No.17166 of 2021
and
Cr.M.P.(MD)No.9318 of 2021
20.01.2022

nsn(CO)
GC(08.02.2022) 3P 5C