



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.20829 of 2021

Sakthiganesh

... Petitioner / Accused No.1

vs.

1.The State, rep.by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.249 of 2018)

... 1st respondent /
Complainant

2.Sridhar

... 2nd respondent/
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the FIR in Crime No.249 of 2018 on the file of the first respondent herein and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.M.Vivek
For Respondent : Mr.E.Antony Sahaya Prabhakar
Additional Public Prosecutor for R1

O R D E R

Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

2.This criminal original petition has been filed to quash the impugned FIR registered on the file of the Thiruvaiyaru Police Station, Thanjavur District for the offence under Section 399 IPC. I went through the contents of the FIR. According to the prosecution, when the respondent police were on a secret watch, they found that the accused were preparing under river bridge to commit robbery. I have held in Crl O.P. (MD) No. 18337 of 2021 (Mathivanan vs. The Inspector of Police, Vadipatty Police Station, Madurai) that the offences involving preparation alone such as Section 399 of IPC and Section 122 of IPC will have to meet a higher threshold. It is inherently improbable that within the hearing distance of the police, the accused had a conversation as alleged by the prosecution. Therefore, the impugned FIR is quashed. The benefit



of this order will enure in favour of the non-petitioning accused also. This criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T & P)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.20829 of 2021
01.02.2022

RS (04.03.2022) 2P-3C