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CrI.O.P.No.3802 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.3802 of 2022

1. Harish
2.Shaikmalik ... Petitioners

Vs.

1.The State Rep. By
The Inspector of Police,
Minjur Police Station,
Thiruvallur District.
(Crime No.3034 of 2020)

2.Marimuthu ... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the FIR in Crime No.3034 of 2020 on the file of 1st respondent and quash the same.

For Petitioners : Mr.T.Muruganantham

For R1 : Mr.A.Gopinath

Government Advocate (Criminal Side)

ORDER

This petition has been filed to quash the FIR in Crime No.3034 of 2022 pending investigation on the file of the first respondent.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent.

3. The case of the prosecution is that the first respondent was doing the routine rounds and near a Pump House at Athipattu, he found six motor cycles and when the police went near it, the accused persons attempted to escape from the place. They were all apprehended and inquired and police came to ascertain that all the accused persons were planning to commit a robbery. Based on the same, an FIR came to be registered in Crime No.3034 of 2020 on 11.07.2020 and petitioners have been arrayed as A4 and A7.

4. On carefully going through the FIR, this Court does not find any specific allegation made against the petitioners. The petitioners are aged about 22 years and 24 years respectively and they are studying in a college. Insofar as the first petitioner is concerned, the learned Government Advocate (Crl.Side) submitted that there is one previous case and Insofar as the second petitioner is concerned, there are no previous cases. The learned Government Advocate (Crl.Side) further submitted that a final report was filed before the Judicial Magistrate, Ponneri, on 1.8.2020 as against 11 accused persons and the final report is yet to be taken on file.

5. In the considered view of this Court, there are no allegations against



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the petitioners and considering the fact that the petitioners are students and the continuation of the criminal proceedings will have serious impact on their future, this Court is inclined to interfere with the FIR insofar as the petitioners are concerned. The continuation of the criminal proceedings against the petitioners will amount to an abuse of process of law which requires the interference of this Court in exercise of its jurisdiction under section 482 of Cr.P.C.

6. In the light of the above discussion, the FIR in Crime No.3034 of 2020, on the file of the first respondent is quashed insofar as the petitioners are concerned. The first respondent shall bring this order to the notice of the learned Judicial Magistrate, Ponneri and the learned Judicial Magistrate shall act upon the final report insofar as the other accused persons are concerned and proceed further in accordance with law.

7. In the result, this Criminal Original petition is allowed.

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Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

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N.ANAND VENKATESH,J.

mpa

To

1.The Inspector of Police,
Minjur Police Station,
Thiruvallur District.

2.The Public Prosecutor,
Madras High Court,
Chennai.

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