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Crl.O.P.No.4106 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4106 of 2023

&

Crl.M.P.No.2584 of 2023

Sammubay @ Nazir

... Petitioner

Vs.

1.State rep by its,
The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District.
(Crime No.673 of 2022)

2.Jothi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records pertaining to Crime No.673 of 2022 pending on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.T.Raja

For Respondents : Mr.S.Santhosh, (For R1)
Government Advocate (Crl.Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to call for the entire records pertaining to Crime No.673 of 2022 pending on the file of the 1st respondent and to quash the same.

2. Learned counsel for the petitioner submitted that First Information Report in Crime No.673 of 2022 was registered for the offence under Sections 341, 294(b), 392, 397 and 506(2) of IPC by Chidambaram Town Police. It is his further submission that allegations made in the First Information Report are totally false and the First Information Report was registered only with a view to detain the petitioner under Goondas Act. In support of his submission, he also produced affidavit of the *de-facto* complainant/2nd respondent to state that *de-facto* complainant/2nd respondent has not given the complaint as alleged in the First Information Report. Therefore, this petition.

3. Learned Government Advocate (Crl.side) opposed this petition on the ground that 2nd respondent/*de-facto* complainant was threatened to give such affidavit.

4. Considered the rival submission and perused the records including the status report filed by the learned Government Advocate (Crl.side). The First Information Report allegations read that on 23.11.2022, at about 11.30



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a.m., the accused had waylaid the *de-facto* complainant, scolded in filthy language and threatened him with knife and robbed a sum of Rs.1,000/-.

Therefore, the First Information Report was registered for the offence under Sections 341, 294(b), 392, 397 and 506(2) of IPC. From the status report filed by the learned Government Advocate (Crl.side), it appears that petitioner has got 11 cases pending against him. The details are as follows:-

Sl.No.	Police Station & Crime Number	Section of Law	Stage of the case
1.	Chidambaram Town P.S., Cr.No.214/2019	5, 7, (1) TNLR Act	Dismissed
2.	Chidambaram Town P.S., Cr.No.09/2019	294(a), 5, 7(1) TNLR Act	Convicted and pay fine amount Rs.1,500/-
3.	Chidambaram Town P.S., Cr.No.591/2022	294(a), 5, 7(1) TNLR Act	NTF
4.	Chidambaram Town P.S., Cr.No.346/2019	5, 7(3) TNLR Act	NTF
5.	Chidambaram Town P.S., Cr.No.27/2020	5, 7(3) TNLR Act	NTF
6.	Chidambaram Town P.S., Cr.No.601/2021	U/S. 420 IPC r/w 5, 7(3) TNLR Act	NTF
7.	Chidambaram Town P.S., Cr.No.779/2020	294(b), 341, 352, 392, 397, 506(ii) IPC r/w 5, 7, (3) TNLR Act	NTF



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Sl.No.	Police Station & Crime Number	Section of Law	Stage of the case
8.	Chidambaram Town P.S., Cr.No.853/2021	U/s. 5, 7(3) TNLR Act	NTF
9.	Chidambaram Town P.S., Cr.No.960/2021	U/s. 294(b), 420, 506(ii) IPC r/w 5, 7, (3) TNLR Act	UI
10.	Chidambaram Town P.S., Cr.No.384/2022	U/s. 294(b), 307, 506(ii) IPC r/w 5, 7(3) TNLR Act	NTF
11.	Chidambaram Town P.S., Cr.No.41/2022	U/s. 5, 7(3) TNLR Act	Dismissed

It is true that petitioner has aforesaid cases pending against him. The fact remains in this case is that the 2nd respondent/*de-facto* complainant filed a written affidavit stating that the complaint alleged to have been given by him, on the basis of which First Information Report came to be registered was not given by him. *De-facto* complainant was also present before this Court during the last hearing on 24.02.2023. The affidavit of 2nd respondent/*de-facto* complainant shows that 1st respondent police took him to the police station and obtained his signature in blank paper. It is further stated that no such incident occurred as alleged in the First Information Report in Crime No.673 of 2022.

5. In light of the affidavit filed by the 2nd respondent/*de-facto* complainant, it is obvious that allegations made in the First Information



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Report are not true and therefore, continuation of investigation on the basis of false allegations would be abuse of process of law and absolutely an harassment to the petitioner.

6. In this view of the matter, this Criminal Original Petition is allowed and proceedings in Crime No.673 of 2022 pending on the file of the 1st respondent is quashed. Consequently, connected miscellaneous petition is closed.

10.03.2023

Internet: Yes
Index: Yes/No

mpl

To

1. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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