



Crl.O.P.Nos.2769 & 19116 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.Nos. 2769 & 19116 of 2019
&
CRL.M.P.Nos.1797, 9766 & 9767 of 2019

K.Ponmani

... Petitioner in both Crl.OPs.

Vs

The state, represented by
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri.

... Respondent in both Crl.OPs.

Prayer in Crl.O.P.No.2769 of 2019: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records culminating in FIR No.651 of 2015 on the file of Krishnagiri Taluk Police Station, Krishnagiri and quash the same.

Prayer in Crl.O.P.No.19116 of 2019: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records culminating in Final Report No.FR-126/2019 dated 14.03.2019 filed in C.C.No.360 of 2019 pending on the file of the Judicial Magistrate-II, Krishnagiri, by the respondent police and quash the same as against the petitioner.

For Petitioners



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in both Crl.O.Ps : Mr.J.Sivananda Raaj
Senior Counsel
for Mr.N.Senthil Kumar

For Respondent
in both Crl.O.Ps : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

Crl.O.P.No.2769 of 2019 has been filed to quash the FIR No.651 of 2015 on the file of Krishnagiri Taluk Police Station, Krishnagiri.

2. Crl.O.P.No.19116 of 2019 has been filed to quash the proceedings in C.C.No.360 of 2019 pending on the file of the Judicial Magistrate-II, Krishnagiri.

3. The case of the prosecution is that the first accused posed himself as IPS Officer and with the help of the second accused stopped the vehicles and collected money. When they were proceeding to Bangalore, they were caught hold and enquired by the respondent. During enquiry, the petitioner deposed that he was an IPS Officer. Thereafter, it was found that the first accused is not a police. The second accused is a police constable and with his help the first accused posed



himself as IPS Officer. Hence, the complaint.

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4. After completion of investigation, final report was filed and the same has been taken cognizance in C.C.No.360 of 2019 on the file of the Judicial Magistrate No.II, Krishnagiri, for the offence under Section 170, 171, 419 & 420 of IPC.

5. The learned Senior Counsel appearing for the petitioner submitted that there are totally two accused, in which, the petitioner is arrayed as A2. He was also cheated by the first accused believing the words uttered by the first accused. He had given uniform to the first accused and proceeded to Bangalore. Though the respondent filed final report for the offence under Section 170, 171, 419 & 420 of IPC, there are no ingredients to substantiate the same. No witnesses were examined by the prosecution and no material is available to substantiate the charges as against the petitioner.

6. In fact, the petitioner is a CRPF constable. Even according to the case of the prosecution, he only impersonated himself as IPS officer and committed the offence alleged. He also submitted that initially the



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petitioner filed a petition before this Court to quash the FIR in Crl.O.P.No.2769 of 2019. Though this Court granted interim order of stay not to file final report as against the petitioner pending disposal of the petition, the respondent filed final report. Therefore, the petitioner was constrained to file a petition to quash the entire proceedings in C.C.No.360 of 2019. After considering the facts and circumstances of the case, this Court granted interim order of stay.

7. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner had only given his uniform to the first accused and he himself posed as IPS Officer and cheated the general public. They have stopped so many vehicles and collected money. They have been indulging in these activities for long days. No victim had lodged complaint since they collected money under the uniform. Therefore, no statement was recorded. Even according to the petitioner, it is true that he only sponsored his uniform to the first accused to pose himself as IPS Officer. Therefore, there are specific allegations against the petitioner and prayed for dismissal of petition.

8. There are totally two accused, in which, the petitioner is



arrayed as A2. Admittedly, the petitioner is working as a Head Constable in CRPF. Thereafter, he was promoted as Assistant Sub Inspector in the year 2014. When the petitioner was working as Assistant Sub Inspector in the Central Training College, Coimbatore, the first accused had acquaintance with the petitioner. In order to extract money from the general public, the first accused posed himself as IPS Officer and also informed to the petitioner. The petitioner had given his uniform to the first accused and when they were proceeding to Bangalore, that too, by their bike and they were stopped. At that juncture, on suspicious mind, the respondent police enquired the accused and their statement were contrary to each other. On enquiry, the respondent found that the first accused is not an IPS Officer and he himself posed as IPS Officer along with the petitioner herein. The petitioner had given only his uniform to the first accused to pose himself as IPS Officer. The specific version of the petitioner is that the first accused also cheated him by posing as IPS Officer. If at all they were proceeding to Bangalore in order to settle the house property of the first accused it was absolutely not necessary for them to proceed in their bike in uniform. It shows that both the accused had cheated the general public. The first accused also impersonated as IPS Officer and both the accused had committed very



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serious offence. The petitioner, being the Assistant Sub Inspector, should not have indulged in these kind of crime along with the first accused as posed himself as IPS Officer.

9. Therefore, there are specific allegations and materials available on record as against the petitioner in order to attract offences under Sections 170, 171, 419 & 420 of IPC, this Court is not inclined to quash the FIR No.651 of 2015 on the file of Krishnagiri Taluk Police Station, Krishnagiri and the proceedings in C.C.No.360 of 2019 pending on the file of the Judicial Magistrate-II, Krishnagiri. Accordingly, these Criminal Original Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No
Internet:Yes/No

To



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1. The Judicial Magistrate-II,
Krishnagiri.

2. The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri.

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN,J.

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