



WEB COPY



Crl.O.P.No.3572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3572 of 2023

and

Crl.M.P.No.2229 of 2023

Siva

... Petitioner

Vs.

1. The Inspector of Police,
Milk Colony Police Station,
Madhavaram,
Chennai.
Crime No.336 of 2022

2. Narendrakumar

... Respondents

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., to call for the records in Crime No.336 of 2022 on the file of the 1st Respondent Police and quash the FIR, as far as the petitioner is concerned.

For Petitioner : Mr.P.Srinivasan

For Respondent : Mr.S.Santhosh (for R1)
Government Advocate (Criminal Side)



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ORDER

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2. The learned counsel for the petitioner submitted that there was a fight between two groups at about 22.40 hrs on 23.07.2022 at Sowbhakiya Nagar, Kosapur Village, Thiruvallur District. The allegations as against the petitioner and other accused in the FIR are that, when the police tried to take one Udhaya Kumar for enquiry in a GYPSY vehicle bearing Reg.No.TN 01 G 6544, petitioner and other accused caused damages to the vehicle by throwing stones and threatening them with a knife. Some of the accused had also thrown chilli powder on eyes of the Police. On the basis of the special report, FIR in Crime No.336 of 2022 was registered for the offence under Sections 147, 148, 353 of IPC and Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992.



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3. It is also the submission of the learned counsel for the petitioner that petitioner is a labourer and he is working in Maruthi Enterprisers. On 23.07.2022, he attended work from 15.00 hours to 23.00 hours. In this regard, certificate is also given by his employers. He has been falsely implicated in this case. Therefore, present petition is filed for quashment of proceedings in the FIR in Crime No.336 of 2022.

4. The learned Government Advocate (Crl. Side) submitted that witnesses Vinoth and Narendra Kumar had given statement implicating the petitioner and other persons who had caused damages to the police vehicle. He further submitted that the attendance certificate cannot be relied without enquiry.

5. In the light of the submissions made by the learned counsel appearing for the parties, this Court without going into the merits of the case, directs the petitioner to produce his employment credentials before the Investigating Officer to show that he attended office on the date of occurrence. On such production of materials, Investigating Officer is directed to verify the claim of the petitioner and



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conduct the investigation and file a proper final report within a period of three months from the date of receipt of copy of the order.

6. With the above observations and directions, this Criminal Original petition is disposed of. Consequently, connected miscellaneous petition is closed.

20.02.2023

Index : Yes / No
Speaking/Non speaking order
sma

G.CHANDRASEKHARAN,J.



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To

1.The Inspector of Police,
Milk Colony Police Station,
Madhavaram,
Chennai.

2.The Public Prosecutor,
Madras High Court.

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and Crl.M.P.No.2229 of 2023

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