



Crl.O.P.No.12782 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12782 of 2023

1.Yuvaraj

2.Rajini

...Petitioners

Vs.

1.State Rep by its,
The Inspector of Police,
C-1, Uthukottai Police Station,
Tiruvallur District.
(Crime No.351 of 2022)

2.Haridass

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings in Crime No.351 of 2022, pending on the file of the 1st respondent.

For Petitioner : Mr.K.Karthik

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)
(For R1)



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ORDER

This Criminal Original Petition has been filed to call for the records and quash the proceedings in Crime No.351 of 2022, pending on the file of the 1st respondent.

2.The main grounds on which the petitioners challenges the First Information Report in Cr.No.351 of 2022 are that, the first petitioner was attending an interview on the date of alleged incident on 21.12.2022 and the second petitioner was taking treatment as in-patient. Therefore, it is not possible for the petitioners to participate in the incidence alleged in the First Information Report.

3.The learned Government Advocate (Criminal side) submitted that the investigation in this case is over and final report would be filed soon.

4.Considered the rival submissions and perused the records.



5.It is seen from the allegations made in the First Information Report that on 21.12.2022, at about 6.50. p.m., when the defacto-complainant was going to his house in his two-wheeler, the accused/petitioners had waylaid him near Chinnavannakuppam Angalamman temple and started attacking him and they made death threat.

6.Coming to the submission of learned counsel for the petitioners that first petitioner was attending interview at the time of incident, this Court finds from the copy of the interview call letter that the interview was fixed on 12.30 p.m. on 21.12.2022, whereas, the incident concerned in Crime No.351 of 2022 said to have happened at 6.50 p,m on the same date. Therefore, the first petitioner cannot plea alibi relying on the interview call letter. Similarly, though the learned counsel for the petitioners is able to produce certain medical records of second petitioner, he has not produced any medical records to show that second petitioner was taking treatment as in-patient on 21.12.2022. Thus, the First Information Report cannot be quashed for the reasons stated by the learned counsel for the petitioners. First Information Report allegations *prima-facie* made out a case of



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commission of cognizable offences by the petitioners. Therefore, first

respondent is directed to investigate the case in Cr.No.351 of 2022.

Petitioners are at liberty to produce the records in their possession to the respondent Police for him to consider and file appropriate final report.

7. Accordingly, this Criminal Original Petition is dismissed.

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Index: Yes/No

Speaking/Non speaking order

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To

1.The Inspector of Police,
C-1, Uthukottai Police Station,
Tiruvallur District.

2.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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