



Crl.O.P.No.9155 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.9155 of 2023
and
Crl.M.P.Nos.5920 and 5924 of 2023

1.Rani

2.Gnanasoundari

...Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai District,
Crime No.707 of 2021.

2.Parthasarathy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records PRC.No.52 of 2022 on the file of the Judicial Magistrate 2, Tiruvannamalai in Crime No.707 of 2021 on the file of the Inspector of Police, Tiruvannamalai East Police Station, Thiruvannamalai District and quash the Charge Sheet pending against the petitioners.



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For Petitioners : Mr.S.Silambuselvam

For Respondent : Mr.S.Santhosh,
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition is filed to call for the records PRC.No.52 of 2022 on the file of the learned Judicial Magistrate 2, Tiruvannamalai in Crime No.707 of 2021 on the file of the Inspector of Police, Tiruvannamalai East Police Station, Thiruvannamalai District and quash the Charge Sheet pending against the petitioners.

2. Learned counsel for the petitioners submitted that, petitioners are accused in PRC.No.52 of 2022 pending on the learned Judicial Magistrate 2, Tiruvannamalai, for the offence under Sections 399 IPC. The charge against the petitioners and other accused is that, they were found in possession of dangerous weapons like knife and iron road, with an intention to commit dacoity. In fact, they were making preparation to commit dacoity. However, learned counsel for the petitioners further submitted that, the materials produced along with final report does not indicate that petitioners were found in possession of any deadly weapons and they are making any preparation to commit dacoity. Therefore, this petition is filed by the petitioners to quash the



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proceedings in PRC.No.52 of 2022 on the file of the learned Judicial Magistrate 2, Tiruvannamalai in Crime No.707 of 2021 on the file of the Inspector of Police, Tiruvannamalai East Police Station, Thiruvannamalai District.

3. In response, learned Government Advocate (Criminal side) submitted that, petitioners along with co-accused were found in possession of deadly weapons and they made preparations to commit dacoity. Thus, he prayed for dismissal of this petition.

4. Considered the submissions and perused the records.

5. The First Information Report allegations show that, accused one Vivek @ Vivekanandhan, Karthick, Parthiban, Rani and Gnanasoundari were found in possession of dangerous weapons like iron rod and knife, with an intention to commit dacoity. However, on the perusal of the records, especially the final report, it shows that, only one iron rod and one knife alone were seized, that too from A1/Vivek. There is no material produced to show that petitioners were found to be in possession of the deadly weapons and that



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those deadly weapons were seized from them.

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6. In the absence of possession of any deadly weapons by the petitioners, as claimed by the prosecution, the allegations against the petitioners that petitioners along with other accused made preparation to commit dacoity cannot be accepted. There is no legal evidence available to proceed against the petitioners for the offence under Section 399 IPC.

7. In this view of the matter, PRC.No.52 of 2022 on the file of the learned Judicial Magistrate 2, Tiruvannamalai in Crime No.707 of 2021 on the file of the Inspector of Police, Tiruvannamalai East Police Station, Thiruvannamalai District is quashed as against the petitioners alone. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

26.04.2023

Internet :Yes

Index :Yes/No

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To:

1.The Judicial Magistrate 2,

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Tiruvannamalai.

2.The Inspector of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN, J.
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