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CrI.O.P.No.12503 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.12503 of 2023

Bharath

... Petitioner

Vs.

1. The State rep. By,
Sub Inspector of Police,
Arakkonam, Town Police Station,
Ranipet District.

2. M.Vadivel

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the FIR in Crime No.295 of 2018 on the file of the respondent police.

For Petitioner : Mr.V.Nithyanandam

For R1 : Mr. Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)

ORDER

This Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.295 of 2018 on the file of the respondent police.



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2. It is the submission of the learned counsel for the petitioner that, petitioner is shown as accused in the Crime No.295 of 2018 registered for the offence under Section 399 of IPC. Despite completion of five years, investigation in this case is not completed and final report is also not filed. The FIR allegations show that the allegations are made only for booking false case against the petitioner and others. Therefore, present petition is filed for quashing the FIR in Crime No.295 of 2018 as against the petitioner.

3. In response, learned Government Advocate (Crl. Side) submitted that, on the basis of the complaint given by the defacto complainant FIR in Crime No.295 of 2018 came to be registered. He further submitted that the allegations made in the FIR is that, petitioner along with other accused were found preparing to commit dacoity.

4. Considered the rival submissions and perused the records. It is seen from the FIR allegation that on 13.05.2018, at about 09.30.a.m., defacto complainant, auto driver was waiting near the Melapakkam Church for passengers. At that time, he found that, five to six persons standing near the Melapakkam Church naming each other as Daniel, De Bharath, Ajith Kumar,



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Prasanna and Prakash and they were planning to commit robbery from the persons by using knife, iron rod and stick. They also planned to rob the house, which was kept under lock and key. The FIR allegations shows that the accused named in the FIR had openly planned to commit dacoity in a public place. The very allegation that the accused, in a public place, had openly planned to commit dacoity appears to be a cock and bull story. Not only that, it is claimed by the defacto complainant that the accused had planned to commit robbery with the use of knife, iron rod and stick. However, no such weapon had been recovered from the accused.

5. This Court finds that, FIR allegations are totally imaginary and false, which were made only for booking a false case against the petitioner and others. Therefore, this Court finds no merits in the FIR allegations to proceed further with the investigation. The fact that, even after five years, respondent police had not completed the investigation, shows that, they have nothing to investigate in this case. Therefore, this Court is inclined to quash the FIR in Crime No. 295 of 2018 as against the petitioner.



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6. Accordingly, this Criminal Original Petition is Allowed. FIR in Crime No. 295 of 2018 as against the petitioner on the file of the respondent police is hereby quashed.

06.06.2023

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To,

1. Sub Inspector of Police,
Arakkonam, Town Police Station,
Ranipet District.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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