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Crl.O.P.Nos.13775, 14286, 15032, 14678 and 15053 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 23.08.2023

Orders Pronounced on : **25.08.2023**

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.13775, 14286, 15032, 14678 and 15053 of 2023
and Crl.M.P.Nos.8447, 8829, 9343, 9171 and 9408 of 2023

In Crl.O.P.No.13775 of 2023 :

Magesh @ Nagercoil Magesh

.. Petitioner

Versus

1. State Rep. by Inspector of Police,
T3, Korattur Police Station,
Redhills.

2. Prakash Raj

.. Respondents

In Crl.O.P.No.14286 of 2023 :

Magesh @ Nagercoil Magesh

.. Petitioner

Versus

1. State Rep. by the Inspector of Police,
T3, Korattur Police Station,
Redhills.

2. Narayani

.. Respondents



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In Crl.O.P.No.15032 of 2023 :

Magesh @ Nagercoil Magesh

.. Petitioner

Versus

1. State Rep. by Inspector of Police,
T3, Korattur Police Station,
Redhills.

2. Anbarasu

.. Respondents

In Crl.O.P.No.14678 of 2023 :

Nagercoil Magesh

.. Petitioner

Versus

1. State Rep. by Inspector of Police,
T3, Korattur Police Station,
Redhills.

2. Seenivasan

.. Respondents

In Crl.O.P.No.15053 of 2023 :

Nagercoil Magesh

.. Petitioner

Versus

1. State Rep. by Inspector of Police,
T3, Korattur Police Station,
Redhills.

2. G.R.Balu

.. Respondents



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Prayer in Crl.O.P.No.13775 of 2023 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the F.I.R in Cr.No.366 of 2023 on the file of T-3, Korattur Police Station, Redhills to the disposal of the above Criminal Original Petition.

Prayer in Crl.O.P.No.14286 of 2023 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the F.I.R in Cr.No.332 of 2023 on the file of T-3, Korattur Police Station, Redhills and quash the same.

Prayer in Crl.O.P.No.15032 of 2023 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the F.I.R in Cr.No.528 of 2023 on the file of T-1, Ambattur Police Station, Redhills to the disposal of the above Criminal Original Petition.

Prayer in Crl.O.P.No.14678 of 2023 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the F.I.R in Cr.No.556 of 2023 on the file of T-1, Ambattur Police Station, Redhills and subsequently quash the same.

Prayer in Crl.O.P.No.15053 of 2023 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire



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records connected with the F.I.R in Cr.No.557 of 2023 on the file of T-1, Ambattur Police Station, Redhills and quash the same.

For Petitioner : M/s.D.Sathya
(in all Crl.O.Ps)

For Respondents : Mr.A.Damodaran,
(in all Crl.O.Ps) Additional Public Prosecutor,
for R1

: M/s.K.Mangaiyarkarasi, for R2

COMMON ORDER

These Criminal Original Petitions have been filed to quash the F.I.Rs registered by the first respondent in the respective Criminal Original Petitions.

2. Heard M/s.D.Sathya, learned Counsel for the petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor for the first respondent and M/s.K.Mangaiyarkarasi, learned Counsel for the second respondent in all the Criminal Original Petitions.

3. When the matter came up for hearing on 04.08.2023, this Court passed the following order:-



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"(i) Crl.O.P.No.13775 of 2023:

The defacto complainant/2nd respondent was present before this Court and he stated that he gave the complaint only as against A1 namely Mint Ramesh and he did not give the complaint against the petitioner. Therefore, he states that he is not interested in prosecuting the case as against the petitioner (A2).

(i) Crl.O.P.No.14286 of 2023:

2. The defacto complainant/2nd respondent was present before this Court and she stated that she gave the complaint only as against A1 namely Mint Ramesh and she did not give the complaint against the petitioner. Therefore, she states that she is not interested in prosecuting the case as against the petitioner (A2).

(iii) Crl.O.P.No.15053 of 2023:

3. The defacto complainant/2nd respondent was present before the Court and he stated that he did not give complaint against the petitioner and other accused persons and that he is not interested in prosecuting the case against the petitioner.

(iv) Crl.O.P.Nos.14678 & 15032 of 2023:

4. The learned counsel for the petitioner submitted that false case has been foisted against the petitioner and that the F.I.R was registered on the date of arrest of the petitioner on 30.05.2023.

5. The learned Additional Public Prosecutor appearing on behalf of the respondent/Police seeks for time to file common Status report in these petitions.



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6. Post these cases under the caption “For orders” on 23.08.2023.”

4. This Court directed the Police to file a status report in each petition and accordingly, five separate status reports have been filed.

5. On carefully going through the status report, it is seen that the antecedents of the petitioner are not satisfactory. Various cases have been registered against him and in fact, in one of the cases for offence under Section 302 of I.P.C, the petitioner was convicted and sentenced by the competent Court.

6. It was contended by the learned Counsel for the petitioner that false cases have been foisted against the petitioner and he is roped in all these cases only after he was arrested on 30.05.2023.

7. The contentions put forward by the learned Counsel for the petitioner are purely factual in nature and this Court cannot venture into conducting a mini investigation into the matter and it therefore does not fall within the ambit of its jurisdiction under Section 482 of Cr.P.C. Any



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finding on facts will also have a bearing on the investigation conducted by the respondent Police.

8. In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the respondent Police at this stage.

9. Insofar as those petitions where the de-facto complainant does not want to prosecute the case, considering the criminal antecedents of the petitioner, this Court is not inclined to act upon the same to quash the F.I.R. While quashing a non-compoundable offence in exercise of jurisdiction under Section 482 of Cr.P.C., the nature and the seriousness of the offence and its impact on the society must be considered and the conduct / criminal antecedent of the accused person must also be taken into account. This is not a fit case where this Court will exercise its jurisdiction under Section 482 of Cr.P.C. In view of the same, there shall be a direction to the respondent Police to complete the investigation in all the cases and file a Final Report or a Closure Report, as the case may be, as expeditiously as possible.



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10. In the result, all the Criminal Original Petitions stand dismissed.

25.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

N.ANAND VENKATESH, J.

grs

To

1. The Inspector of Police,
T3, Korattur Police Station,
Redhills.
2. The Public Prosecutor,
High Court of Madras.

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