



Criminal Original Petition No.18780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.18780 of 2023

T.Kaviyarasu
S/o.Thirunavukkarasu

...Petitioner

Vs

1.The State represented by
Inspector of Police,
Jayankondam Police,
Ariyalur District.
Crime No.713 of 2021

2.K.Kandhasamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to quash the impugned First Information Report in Crime No.713 of 2021 on the file of first respondent police.

For Petitioner : Mr.M.Jothikumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



ORDER

WEB COPY This Criminal Original Petition has been filed to quash the First Information Report in Crime No.713 of 2021 pending investigation on the file of first respondent.

2. Heard Mr.M.Jothikumar, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

3. Learned counsel for petitioner submitted that the petitioner has nothing to do with the alleged offence and the entire First Information Report is attended with malafides. Learned counsel further submitted that even on reading the entire First Information Report no offence has been made out against the petitioner and the continuation of criminal proceedings against the petitioner will result in abuse of process of law. Learned counsel further submitted that the incident is said to have taken place at about 07.00 a.m. in the morning and whereas the complaint is given at 17.00 hours. That itself will show that the complaint was orchestrated and false.



4. Learned Additional Public Prosecutor submitted that insofar as offence u/s.21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, is concerned, a complaint has been filed before the Special Court dealing with Mines and Minerals Act at Ariyalur and the same has been taken on file in Spl.C.C.No.21 of 2022. Insofar as IPC offences are concerned, final report has been filed before the Judicial Magistrate I, Jeyankondam and the same has been taken on file in C.C.No.173 of 2023.

5. In the considered view of this Court, the First Information Report was registered as against two named persons and 15 others. The petitioner has not been named in the First Information Report and in the course of investigation, the police have added the name of the petitioner based on the materials collected during investigation. Hence, at this stage, this Court cannot interfere with the First Information Report since the First Information Report does not talk anything about the involvement of the petitioner. After all, the First Information Report is not an encyclopedia and it is only a starting point for investigation. In view of the same, this Court is not inclined to interfere with the First Information Report.



6. It is brought to the notice of this Court that the complaint under the Mines and Minerals (Development & Regulation) Act, 1957 and the final report for IPC offences have already been taken cognizance by the concerned Court. If ultimately the concerned Court acts upon the same and issues summons to the petitioner, it is left open to the petitioner to challenge the same in accordance with law. At least, at that stage both the petitioner and this Court will have more clarity as to whether there is any material against the petitioner for proceeding further with the case. Except giving this liberty, no further orders are required to be passed in this petition.

Accordingly, this Criminal Original Petition is disposed of in the above terms.

29.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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WEB COPY

To

- 1.The Inspector of Police,
Jayankondam Police,
Ariyalur District.
Crime No.713 of 2021
- 2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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