



Crl.O.P No.24326 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.01.2023**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.24326 of 2019
and Crl.M.P. No.12865 of 2019

Karthikeyan

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
Vadapalani Police Station,
T.Nagar, Chennai.

2. Dinesh Kumar

... Respondents

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in Crime No.614 of 2018 on the file of the first respondent police and quash the same in so far as the petitioner / Accused No.5 is concerned.

For Petitioners : Mr.T.Shanmugam

For Respondent-1 : Mr. A.Gopinath
Government Advocate (crl.side)



WEB COPY



ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the case in Crime No.614 of 2018 on the file of the first respondent police and quash the same in so far as the petitioner / Accused No.5 is concerned.

2. A case has been registered by the Sub Inspector of police himself by alleging that he had seen an occurrence committed in front of him when he went for patrolling along with the police party on 22.11.2018. The police party is said to have gone for patrolling near Vadapalani on getting a secret information that some people are sitting together and planning to commit certain offences and intercepting the passengers coming on that way and looting the property belonging to them. On enquiry it was found that the accused have planned to commit certain offence and they possessed knives and six stolen mobile phones and a stolen Yamaha Ray vehicle. On the basis of these allegations, a case has been registered against five of the accused in Cr. No.614/2018 for the offences under Section 399 & 102 IPC.



3. The learned counsel for the petitioner / fifth accused submitted that the petitioner is in no way related to the offence and he has no criminal antecedents; despite the case has been registered as early as in the year 2018, so far investigation has not yet been done and that would show that the case is registered only for statistical purposes; since the complaint on the face of it is unbelievable, the same should be quashed.

4. The learned Government Advocate (Crl.Side) submitted that since the offences are serious in nature, investigation should be allowed to go and the delay in conducting investigation alone cannot be a ground to quash the FIR.

5. On perusal of the complaint it is seen that the complainant is the Sub-Inspector of Police who form part of the police party and he is said to have gone for patrolling on the alleged day of occurrence. It is alleged in the complaint that on seeing the police, the accused were about to run. When the police party intercepted, they came to know about the stolen properties possessed by them. It is further stated that one among the stolen properties was the Yamaha Ray Vehicle. But the registration of the said vehicle is not



furnished. It is not even known how the police party came to know that the properties were stolen properties, without getting any confession from the accused. Had it been a serious case, the first respondent would not have kept quiet without taking any action towards investigation. There is no reference in the FIR as to whether the properties were seized in the presence of any witnesses through a seizure Mahazar. The lackadaisical manner in which the case is dealt and the substance of the complaint bereft of any material details would only cause doubt on the genuineness of the occurrence.

6. Since the records coupled with delay make the case of prosecution unbelievable, I feel it is appropriate to quash the proceedings for the purpose of serving the ends of justice.

7. Accordingly, this Criminal Original Petition is allowed and the FIR in Cr. No.614/2018 on the file of the first respondent is quashed. Connected miscellaneous petition is closed.

05.01.2023

Index : Yes/No
Speaking Order / Non speaking order
bkn



Crl.O.P No.24326 of 2022

To:
WEB COPY

1. The Inspector of Police,
Vadapalani Police Station,
T.Nagar, Chennai.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY



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R.N.MANJULA, J.,

bkn

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