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Crl.O.P.No.28686 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.28686 of 2022

and

Crl.M.P.No.17587 of 2022

M.Karthick

... Petitioner

VS

1.The State Rep by its
The Inspector of Police,
Rasipuram Police Station,
Rasipuram,
Namakkal District.
(Crime No.415/2022)

2.Kannan
The Sub-Inspector of Police,
Rasipuram Police Station,
Rasipuram,
Namakkal District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for records connected with the FIR in Crime No.415 of 2022 pending on the file of respondent Police and quash the same.



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For Petitioner : Mr.S.Varanesh

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.side)

ORDER

The Criminal Original Petition has been filed to call for the records connected with the F.I.R., in Crime No.415 of 2022 pending on the file of respondent Police and quash the same.

2. The learned counsel for the petitioner submitted that even assuming the entire allegation in the F.I.R., are true, there is no case made out against the petitioner.

3. He would also submit that the petitioner is falsely implicated in this case. In respect of his submission, he produced pendrive with a video footage. He further submitted that the video footage in the pendrive would show that the petitioner was taken from his house at about 5.30 a.m., on 01.11.2022. Therefore, petitioner could not have sold the banned lottery tickets at the time, place and date mentioned in the F.I.R. Hence, the learned counsel for the petitioner prays to quash the F.I.R., against the



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petitioner.

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4. In response, the learned Government Advocate submitted that the photo and the video footage would not clearly establish that the petitioner was taken from his house at 5.30 a.m., on 01.11.2022. During search of Police, the petitioner was selling the other States banned lottery tickets by writing the lottery ticket numbers in the white paper and got money from the public. The respondent police seized 5 such piece of white papers containing lottery numbers and also sum of Rs.350/- from the petitioner collected in connection with a sale of banned lottery tickets.

5. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police.

6. With regard to the claim of the petitioner that the petitioner was taken from his house at 5.30 a.m., on 01.11.2022, this Court had also seen the video footage provided for the purpose of viewing by this Court. The



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video footage is not clear and from the video footage we cannot come to a conclusion that the petitioner was taken from his house.

7. On merits, this Court finds that the allegation against the petitioner is that he sold other State lottery tickets by writing lottery numbers in a piece of white papers and collected money from the public. The piece of white papers containing banned other State lottery and Rs.350/- were seized from the petitioner by the police. As of now, FIR allegation revealed that commission of cognizable offence by the petitioner. However, considering the submission of the learned counsel for the petitioner that the petitioner was taken from his house and has video recording in support of his claim, this Court directs the petitioner to produce the video recording to the Investigation Officer. The Investigation Officer is directed to conduct a fair investigation in this case after making a Forensic study of the video recording. The Deputy Superintendent of Police, Rasipuram is directed to supervise the investigation conducted by the Investigation Officer in this case and he should give approval to the final report, which is to be filed before the Court.



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8. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

03.02.2023

ssn

Index: Yes/No

Speaking/Non speaking order

To

1 The Inspector of Police,
Rasipuram Police Station,
Rasipuram,
Namakkal District.

2.Kannan
The Sub-Inspector of Police,
Rasipuram Police Station,
Rasipuram,
Namakkal District.



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3. The Public Prosecutor,
High Court, Madras.

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G.CHANDRASEKHARAN, J.,
ssn

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