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CrI.OP.No.31861 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.31861 of 2022

and

CrI.M.P.No.19549 of 2022

B.Iyyappan

... Petitioner

Vs.

1.The Inspector of Police,
P-1 Pulianthope Police Station,
Chennai 600 012.
(Crime No.673 of 2019)

2.K.Balaji

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to call for the records and quash the FIR in Crime No.673 of 2019 dated 04.10.2019 pending on the file of the first respondent police.

For Petitioner

: Mr.M.Balaji

For Respondents

: Mr.S.Santhosh for R1
Government Advocate(CrI.side)



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ORDER

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2.The learned counsel for the petitioner submitted that the petitioner is a Martial Arts coach, especially in Silambam. He is running a academy in the name and style of "*Phoenix Silambam Martial Arts Academy*". While so one Balaji, gave a false complaint against the petitioner and others as if the petitioner along with the other accused had waylaid him and at the knife point, robbed a sum of Rs.850/- from his pocket. It is the grievance of the petitioner that he has been falsely implicated in this case and the complaint was made by creating a non existent person as defacto complainant. Hence, the present petition has been filed.

3. The learned Government Advocate (crl.side) for the first respondent submitted that the petitioner along with other accused had robbed a sum of Rs.850/- from the defacto complainant by wielding a knife. Hence, a case has been registered against the petitioner in Crime No.673 of 2019 for the offences



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under Sections 147, 148, 341, 294(b), 392, 397 and 506(2) of IPC. During the course of investigation, the cash and knife were recovered from the petitioner.

Hence, he prays for dismissal of this petition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the first respondent.

5. Considered the rival submissions. The allegation made in the FIR shows that on 04.10.2019, when the defacto complainant reached the Pattalam bus stop, the petitioner and other accused had abused him using filthy language and at the knife point, robbed a sum of Rs.850/- from the defacto complainant. The petitioner is the one, who wielded the knife and abetted others to take money from the defacto complainant. The allegations made against the petitioner and other accused are serious in nature and it makes out cognizable offences against the petitioner and other accused. Therefore, the prayer sought by the petitioner to quash the FIR, cannot be entertained.



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6. Considering the fact that the FIR was registered in the year of 2019, this Court directs the first respondent to expedite the investigation and file the final report in Crime No. 673 of 2019 before the concerned Court, within a period of two months from today.

7. With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

02.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

shk



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To

- 1.The Inspector of Police,
P-1 Pulianthope Police Station,
Chennai 600 012.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

shk

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