



Crl.O.P.(MD) No.15599 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD). No.15599 of 2020

and

Crl.M.P.(MD).No.7634 of 2020

1.Saravanan

2.Boominathan

... Petitioners

Vs.

1. The Inspector of Police,
Kenikarai Police Station,
Ramanthapura District.
(Crime No.632 of 2020)

2.Anuraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the FIR in Crime No.632 of 2020 on the file of the
1st respondent police and quash the same.

For Petitioners : Mr.C.Susi Kumar

For Respondents : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side) for R1

: No appearance for R2



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ORDER

This Criminal Original Petition has been filed by the petitioners to quash the F.I.R., in Crime No.632 of 2020, on the file of the first respondent police.

2. According to the prosecution, the second respondent made a complaint stating that he received information that country made bombs are found in one Suresh's Garden. Therefore, he made a complaint before the respondent police. The respondent police registered a case against the petitioner herein for the alleged offences under Section 41(a) of the Explosive Substances Act 1901.

3. The petitioner obtained anticipatory bail before the jurisdictional Court. In anticipatory bail petition, it is stated that recovered bombs were made in order to create a fear in the minds of the public. Based on the said observation in the order, the petitioner submitted that the recovered bombs do not contain any explosive substances and hence the offence under Section 4(1)(a) of the Explosive Substances Act is not made out. Further, the petitioner submitted that the FIR was registered against the



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unknown person and subsequently, A1 namely, Suresh was arrested on the basis of the confession of the co-accused. The petitioner was arrested and added as accused. Therefore, he seeks for quashing of FIR.

4. The learned Government Advocate, on instruction, submitted that the investigation is completed and the final report has also been filed. During the investigation, they collected lot of materials, more particularly, country made bombs from A1's garden and the same were prepared with the help of A3 and A3, namely, the petitioner herein against whom, the investigating agency, collected many materials. Therefore, the quashing of FIR, at this stage is not legally permissible.

5. This Court heard the rival submissions made by the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. This Court at the time of the admission, granted an interim stay up to 17.02.2021. Thereafter, no extension of stay was granted by this Court. Hence, the investigating agency has conducted the investigation



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and filed the final report before the concerned jurisdictional Court. But, the same was not taken on file. In the said subsequent development, this Court is inclined to dismiss this petition, with liberty to the petitioner to raise his points by filing quash petition to challenge the C.C.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

17.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sbm

To

- 1.The Inspector of Police,
Kenikarai Police Station,
Ramanthapura District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

sbn

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