



Crl.O.P.(MD)No.20317 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20317 of 2021

and

Crl.M.P.(MD)No.11532 of 2021

T.Sakthivel

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.1432 of 2021)

2.S.Murugesan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.1432 of 2021, dated 14.09.2021, on the file of the first respondent Police and quash the same as illegal.

For Petitioner : Mr.S.Krishnan

For R1 : Mr.R.Meenakshisundaram
Additional Public Prosecutor

For R2 : S.Murugesan, Party-in-Person



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ORDER

WEB COPY The petitioner, who is accused in Crime No.1432 of 2021, registered by the first respondent herein for the offence under Section 392 I.P.C., filed this petition seeking to quash the F.I.R.

2. The gist of the complaint is that, on 13.09.2021 at about 09.30 p.m., when the second respondent/de-facto complainant was proceeding to have a food at Junior Kuppanna Hotel in his two wheeler after closing the shop, a person standing near the Hotel restrained him, demanded money for having liquor and snatched away a sum of Rs.1,500/- from his shirt pocket. When the second respondent/de-facto complainant shouted for help, one Mohanraj, who is known to him, identified the person as Sakthivel, S/o.Thirumalaisamy. Thereafter, the second respondent/de-facto complainant lodged the present complaint.

3. The contention of the learned counsel for the petitioner is that the petitioner has been falsely implicated in this case. He further submitted that during the course of hearing the bail application *i.e.*, on 20.09.2021, in C.M.P.No.1559 of 2021, by the learned Judicial Magistrate No.I, Karur, the



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second respondent/de-facto complainant appeared, filed an affidavit that he had not given any complaint against the petitioner.

4. The learned counsel further submitted that on a bare reading of the complaint, will show no weapon or force used by the petitioner, but the respondent Police registered a case of serious nature. Further, the petitioner had no reason to commit such offence, since he was already with money. In support of the same, he filed the ATM Mini Statement. Considering these facts, the petitioner was granted bail on 02.09.2021. Thereafter, he filed the above quash application.

5. The second respondent/de-facto complainant is present before this Court, submitted that he had not given any complaint against the petitioner, only signatures obtained from him in a white blank paper in connection with another case, however, he has not disputed the signature found in copy of the F.I.R.

6. Per contra, the learned Additional Public Prosecutor submitted that the second respondent/de-facto complainant has been won over by the



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petitioner. In addition to the present case, the petitioner had four more cases in various Districts.

(a) Crime No.138 of 2018, on the file of the Vedasandur Police Station, Didingul, for the offences under Sections 147, 148, 324, 364-A and 506(ii) I.P.C.

(b) Crime No.879 of 2018, on the file of the Avinashi Police Station, Tiruppur, for the offences under Sections 342, 365, 386, 395, 397 and 506(ii) I.P.C. and Section 4 of TNPWH Act @ 120-B, 147, 294(b), 323, 365, 386 and 506(ii) I.P.C. and Section 4 of TNPWH Act.

(c) Crime No.139 of 2019, on the file of the Vengamadu Police Station, Karur, for the offences under Sections 147, 148, 294(b) and 307 I.P.C.

(d) Crime No.157 of 2023, on the file of the Eriodu Police Station, Didingul, for the offences under Sections 420 I.P.C. @ 120-B, 34, 406 and 420 I.P.C.

Thus, the petitioner has got totally five cases to his credit, including the present case. The abovesaid cases are under investigation/charge sheets pending.



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7. The learned Additional Public Prosecutor further submitted that the petitioner is a notorious person, who is regularly committing offences from the year 2018. The second respondent/de-facto complainant admits his signature in the F.I.R., however, on the contrary, submitted that he has not given any complaint against the petitioner and his signature was obtained in a blank paper in connection with another case, which are all disputed question of facts and the same be tested during the trial. Further, in this case, investigation completed and charge sheet filed.

8. It is a trite law that at this stage, the disputed question of fact can be resolved only during the trial. Further, the petitioner has got five cases to his credit and the second respondent/de-facto complainant admitted his signature in the copy of the F.I.R., this Court is not inclined to entertain this Petition. Hence, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

21.07.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No



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To
WEB COPY

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



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M.NIRMAL KUMAR, J.

smn2

Order made in

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