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Crl.OP.No.572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.572 of 2023

and

Crl.M.P.No.308 of 2023

C.Sagadevan

... Petitioner

Vs.

1.The State Rep by Inspector of Police,
Redhills Police Station , Redhills,
Chennai.
(Crime No.986 of 2016)

2. Ramu

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the Crime No.986 of 2016 pending on the file of the Inspector of Police, Redhills Police Station, Redhills, Chennai against the Petitioner/12th Accused.

For Petitioner : Mr.B.Thirumalai

For Respondents : Mr.K.M.D.Muhilan

Government Advocate (Crl.side)



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ORDER

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The petitioner herein is arrayed as the 12th accused in Crime No.986 of 2016 registered by the Redhills Police on the complaint given by one Ramu, the Village President.

2. As per the FIR given against 11 named persons and others, the petitioner's name is not found. As per the FIR there was enmity between the family members of the Defacto Complainant Ramu and the family members of Thenarasu. On 07.08.2016 at about 6.30 a.m. when the family members of Ramu were there in the temple premises for ensuing Aadi festival, Thenarasu and his family members along with others have gone there and attacked Settu and Diwakar with weapons and caused severe injuries. Hence FIR in Crime No.986 of 2016 under Sections 147, 148, 341, 336, 307 and 506 (ii) of IPC was registered.

3. In the course of investigation, this petitioner, though name not found in the FIR, was arrested based on the confession statement of the co-accused. Till date investigation not completed and the final report yet to be filed. In such circumstances, the present petition is filed by A12 Sagadevan on the ground that even according to the FIR his name is not



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mentioned and no overt act attributed to him. If the confession statement of the co-accused to be relied though not admissible in evidence, the only allegation made against this petitioner is that he threw stones on the villagers when they came to spot hearing the alarm. In fact, the petitioner is a staff in TANGEDCO and he was not in the Village on the date of occurrence, his name has been falsely included and due to pendency of the criminal case his service prospect has been severely affected.

4. The learned Government Advocate (Crl. Side) has circulated the CD file, wherein he relies upon the confession statement of Thenarasu A1, who has impleaded this petitioner as one of the person among the unlawful assembly and has involved in the attack of the Villagers by throwing stones. This Court after perusing the CD file finds that the confession statement of Thenarasu is a very weak piece of evidence and not admissible in evidence.

5. Apart from a reference of the petitioner's name in the confession of the accused there is no material on record to implicate the person. More particularly, the defacto complainant belongs to the same village of the accused. If accused was present he would have mentioned the name



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of the accused when he was able to recollect the names of 11 other accused present. The petitioner is one person whose name is not mentioned but later on roped in the case.

6. Furthermore, it is to be noted that even after lapse of 8 years till date the investigation not yet completed. Long pendency of the compliant without completion of investigation will cause great prejudice to the petitioner, who is an employee in the TANGEDCO. For the said reason also this Court is inclined to interfere in this matter.

7. Accordingly, the petition to quash is allowed and the case against the petitioner in the Crime No.986 of 2016 on the file of Redhills Police Station stand quashed. Consequently, the connected miscellaneous petition is closed.

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jv

Index: Yes/No

Internet: Yes/No

To



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1. The Inspector of Police,
Redhills Police Station , Redhills,
Chennai.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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Dr.G.JAYACHANDRAN,J.

jv

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