



Crl.O.P.No.2910 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.08.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.2910 of 2023
and
Crl.M.P.Nos.1756 & 1757 of 2023

Ramamoorthy

.. Petitioner

/versus/

1.State represented by
The Inspector of Police,
Jolarpet Police Station,
Tirupattur District.
(Crime No.462 of 2021)

2.Arulmozhi

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to P.R.C.No.37 of 2022 pending on the file of the Judicial Magistrate No.1 Court, Tirupattur, Tirupathur District and quash the same insofar as it relates to this petitioner/first accused.



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For Petitioner :Mr.P.V.Rajeswari
For R1 :Mr.S.Udaya Kumar,
Govt.Advocate (Crl.Side)
For R2 :Mr.R.Chakkaravarthy

ORDER

This petition is filed to quash the final report presented before the Judicial Magistrate No.1, Tirupattur.

2.The petitioner is the first accused. The final report indicates that due to business rivalry this petitioner, who is arrayed as the first accused and four other accused/A2 to A5 had intended to murder the defacto complainant and pursuant to that, A2 to A4 had gone to the village of the defacto complainant 19.12.2021 in a Mahindra XUV car bearing Reg.No.TN 66 E 6060 and had stopped near the house of the defacto complainant. These accused persons took photograph of the Photographs of the defacto complainant's house and surroundings. When this was noticed by the wife of the defacto complainant, he called alert. On the next day, at about 11.20 a.m., when the defacto complainant



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was about to leave his house in his two wheeler, the same car came near the house and stopped it. One among them came with a knife and tried to attack him. When the defacto complainant sensed danger, the defacto complainant and the villagers thereafter had apprehended all the three accused in the car and handed over the same to the police along with the knife and car. Further, the investigation and statement of the persons, who were arrested has disclosed that they had hired by this petitioner and paid Rs.50,000/- as advance. The said amount was also recovered from the accused, who were apprehended.

3. According to the petitioner, the confession statements of the accused persons, who were apprehended cannot be exculpated in nature and cannot implicated the petitioner herein for the offence under Section 307 or Section 294(b) of IPC. To attract the offence under Section 120B of IPC or 109 of IPC, there is no substantial material. The registration of the complaint as against this petitioner is bad in law and abuse of process of law. The four persons alleged to have been apprehended by the defacto complainant and his villagers are all the henchmen of the defacto



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complainant and the entire story of the defacto complainant is invented by the defacto complainant to fix the petitioner herein due to business rivalry. Being a false case foisted with malafide intention with the help of the first respondent police, the final report, which was taken on file as P.R.C.No. 37 of 2022 on the file of the Judicial Magistrate, Tirupathur, is liable to be quashed.

4. This Court, after perusing the material placed by the prosecution along with the final report, particularly, the statement of the accused as well as the confession statement of the petitioner, who is arrayed as A1, the recovery of knife, car and currency provides materials to proceed against the petitioner for conspiracy and abetment to commit murder of the defacto complainant. The final report has been filed for the offence under Section 307 of IPC along with Section 294(b) of IPC. Therefore ,since *ex facie* material for the commission of crime has been made out, the criminal original petition to quash stands dismissed.



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5. If any petition filed by the petitioner for dispense with his personal appearance, the Court below shall take note of the petitioner and consider in accordance with law. The observation made by this Court is confined to the disposal of the quash petition and the petitioner is at liberty to raise all the defence in the course of trial. Consequently, connected Miscellaneous Petitions are closed.

05.08.2024

Index:yes/no

Neutral Citation:yes/no
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To:

- 1.The Judicial Magistrate No.1 Court, Tirupattur, Tirupathur District.
- 2.The Inspector of Police, Jolarpet Police Station, Tirupattur District.
- 3.The Public Prosecutor, High Court,Madras.



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DR.G.JAYACHANDRAN,J.

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