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CrI.O.P.No.3609 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.3609 of 2024

and

CrI.M.P.No.2657 of 2024

Praveen

.. Petitioner

Vs.

The State, rep. by its
Inspector of Police,
PS Tiruvarur Taluk.
(Crime No.115 of 2021)

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in connection with Crime No.115 of 2021 pending investigation of the respondent Police and same may be quashed.

For petitioner : Mr.T.Arul

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

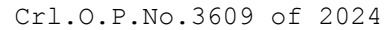


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The Criminal Original Petition has been filed challenging the FIR registered by the respondent Police in Crime No.115 of 2021 pending investigation on the file of the respondent.

2.The case of the prosecution is that the accused persons joined together and were making preparation to commit a dacoity. According to the prosecution case, the accused persons were found in possession of two wooden logs, two packets of chilli powder and two black clothes. According to the prosecution case, they wanted to happily celebrate the pongal festival and hence, they decided to commit a dacoity. This has been spoken by LW1 to LW2, who are the Head Constables working in the concerned Police Station.

3.The above FIR was registered in the year 2021. When the matter came up for hearing on 19.02.2024, the learned Additional Public Prosecutor informed this Court that the investigation has almost been completed and the draft final report is also ready. This Court wanted to ascertain the materials that have been collected by the Police and hence, directed the copy of the draft final report and also the CD file to be placed before this Court. The case was directed to be listed today.



6. This Court had put a pointed question to the learned Additional Public Prosecutor as to whether the petitioner has any bad antecedents. The learned Additional Public Prosecutor submitted that there are no bad antecedents for the petitioner. At the relevant point of time, the petitioner was aged about 21 years. The materials that are available shows that except for the confession of the accused persons and the statement of the Head Constables, there is nothing more available. The charge against the petitioner cannot be sustained with the available materials. Therefore, the continuation of the proceedings as against the petitioner will result in



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abuse of process of law. If the petitioner is roped in this case at this age, he will only become a hardened criminal in future and it is neither good for the petitioner nor for the society. Hence, this Court is inclined to exercise its Jurisdiction under Section 482 of Cr.P.C.

7.In the light of the above discussion, FIR in Crime No.115 of 2021 on the file of the 1st respondent is quashed in so far as the petitioner is concerned.

8.Accordingly, this Criminal Original Petition is allowed in the above terms. Consequently, the Miscellaneous Petition is closed.

18.03.2024

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

N.ANAND VENKATESH, J.

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To



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- 1.The State, rep. by its
Inspector of Police,
PS Tiruvarur Taluk.
- 2.The Public Prosecutor,
Madras High Court, Chennai.

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