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Crl.O.P.No. 5860 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No. 5860 of 2022

and

Crl.M.P.No. 3247 of 2022

Jagadeeswaran @ Jaga

... Petitioner

Vs.

State rep., by
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the entire records in S.C.No.42 of 2021 dated 28.10.2020 on the file of the District and Sessions Court, Krishnagiri and quash the same.

For Petitioner : Mr.S.Prabhakar

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)



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ORDER

The petitioner has filed this Criminal Original petition to quash the proceedings in S.C.No.42 of 2021, dated 28.10.2020, on the file of the District and Sessions Court, Krishnagiri, in which cognizance was taken for the offence under Sections 302, 114 and 201 of IPC.

2. The learned counsel for the petitioner submitted that the petitioner name was not in the FIR and there is no specific overt act against him. He further submitted that the ingredients of 114 of IPC and 201 of IPC is totally absent as FIR is distinct and without any doubt categorically stated that the offence was committed by A1 and A2. The entire exercise of adding the name of the petitioner is futile exercise and incriminating material is restricted against him to punish him under Section 302 IPC, 114 and 201 of IPC. Hence, he prays to quash the proceedings against the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that based on the complainant lodged by the defacto complainant FIR was registered in Crime No.665 of 2020 and the case has



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been taken cognizance in S.C.No.42 of 2021, on the file of the District and Sessions Court, Krishnagiri. He further submitted that the petitioner along with other accused persons have committed murder in the nearby land of the petitioner and it needs detailed investigation, hence he raised strong objection to quash the proceedings against the petitioner.

4. On a perusal of the records, it reveals that the deceased was murdered in the nearby land of the petitioner and as per the prosecution, the petitioner colluded with other accused persons and committed murder, and sufficient material is also submitted by the prosecution. I do not find any prima facie evidence to quash the proceedings against the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

11.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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Crl.O.P.No. 5860 of 2022

T.V.THAMILSELVI, J.

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To

1.The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri.

2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 5860 of 2022
and
Crl.M.P.No. 3247 of 2022

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