



Crl.O.P.No.8968 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8968 of 2022

and

Crl.M.P.No.5224 of 2022

1.R.Gunasekar
2.K.Kalaiyaran

... Petitioners

Vs.

1.The Inspector of Police,
R5, Virugambakkam Police Station,
Virugambakkam, Chennai-61.
(Crime No.772 of 2016)

2.J.Akbar Ali

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.1457 of 2020 pending on the file of the Metropolitan Magistrate No.XXIII, Saithapet.

For Petitioner : Mr.P.Muthamizhselvakumar

For R1 : Mr.S.Vinoth Kumar
Govt. Advocate (Crl.Side)



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ORDER

The petitioners have filed this petition to quash the C.C.No.1457 of 2020 pending on the file of the Metropolitan Magistrate No.XXIII, Saithapet.

2. The case of the prosecution is that the 1st respondent was in the station duty received the secret information from the reliable source according to the information a person illegally detained in the Sai baba colony in pursuant to the information the 1st respondent went to the said place and rescue the 2nd respondent and one Selvakumar and a peoples who detain him in the custody brought to the station and conduct the investigation in the investigation reveling that the defacto complainant approached to the said Selvakumar who running the Man power agency. The 2nd respondent / defacto complainant approached the said Selvakumar for sending 3 members to the Sourth Koriya and both the defacto complainant and said Selvakumar asked the charged amounting Rs.4,00,000/- per head, based on that the 3 members were accepted to pay the amount Rs.2,00,000/- to paid the defacto complainant and remaining amounts Rs.2,00,000/- after arrived the said South Koriya based on that the



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defacto complainant and said Selvakumar were received amounts Rs.50,000/- through accounts mode and remaining amounts Rs.1,500,000/- received by the cash respectively. Based on the payments the defacto complainant starts booking tickets for travel according to that the defacto complainant asked the amounts for booking further tickets according to the instruction of the persons asked the defacto complainant along with his friend and her wife were went to the said place in order to receive the amounts, after reaching the place the person were detained in the room by A1 and A5. Further A1 & A5 were trying to attack the defacto complainant and the same was resisted by the brother of the defacto complainant at the time the said Selvakumar person were show the pen knife in order to threatening with dire consequences they denied to release the friend wife, driver and asked the amount instantly and detained till 11.35 hours after that the 1st respondent came and rescued the 2nd respondent and others.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they were no way connected with the alleged offences made by the prosecution. He further submitted that the entire allegation contain the charge sheet is only stand against A1 and A5



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non of the allegations stands against the petitioners and also there is no specific overt act against the petitioners. Hence, he prays to quash C.C.No.1457 of 2020, filed against the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that based on the complaint lodged by the defacto complainant, FIR was registered in Crime No.772 of 2016, for the offences under sections 342, 323, 506(ii) of IPC on the file of the 1st respondent and take the case for investigation and filed a final report before the learned Metropolitan Magistrate No.XXIII, Saithapet dated 12.03.2019 and the same has been taken on file in C.C.No.1457 of 2020 and issue summons to all the accused.

5. On a perusal of the list of witnesses, there are two witnesses, both were closely associated with A2 and there is no independent witnesses on the side of the prosecution and also there is no prima facie material evidence to prove the said offences against this petitioners, hence this Court is inclined to quash the proceeding in C.C.No.1457 of 2020 on the file of the Metropolitan Magistrate No.XXIII, Saithapet.



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WEB COPY 6. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petition is closed.

09.02.2024

Index: Yes/ No

Neutral Citation: Yes/No

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To

1.The Inspector of Police,
R5, Virugambakkam Police Station,
Virugambakkam, Chennai-61.
(Crime No.772 of 2016)

2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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