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Crl.O.P.No.23075 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.23075 of 2023

Santhosh

.. Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Pallavaram Police Station,
Chennai – 600 043.
Chengalpattu District.
(Crime No.2963 of 2016)

2.S.Shanmugam,
Sub-Inspector of Police,
Pallavaram Police Station,
Pallavaram, Chennai – 600 043.
Chengalpattu District.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the registration of the First Information Report in Crime No.2963 of 2016 on the file of the 1st respondent herein and quash the same in so far as the petitioner / A-1 is concerned.



Crl.O.P.No.23075 of 2023

For petitioner : Mr.K.M.Mohamed Ziauddin
For R1 & R2 : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition has been filed seeking to quash the FIR in Crime No.2963 of 2016 pending investigation on the file of the 1st respondent.

2.The case of the prosecution is that the accused persons numbering six were sitting in the shade of the thorn bushes and were discussing. The 2nd respondent was able to over hear the discussion and he heard that they were planning to commit a dacoity in a bungalow at Tirusulam. On hearing the same, the 2nd respondent along with other police officers surrounded the accused persons. Out of six persons, one person escaped and five others were apprehended. Based on the complaint of the 2nd respondent, the FIR came to be registered by the 1st respondent in Crime No.2963 of 2016 on 29.12.2016 for the offence under Section 399 of IPC.

3.Heard the learned counsel for the petitioner and the learned



Crl.O.P.No.23075 of 2023

Government Advocate (Crl.Side) for the respondents.

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4.The petitioner has been arrayed as A1 in this case. The FIR was registered in the year 2016 when the petitioner was hardly aged 17 years and was a minor. When the matter came up for hearing on 22.01.2024, it was informed to this Court that the final report has not been filed in this case. Considering the fact that the petitioner was a minor at the time of incident and also considering the fact that the petitioner had secured very high marks in his SSLC and +2 examinations and had also secured good marks in the Uniform Services Examination, this Court directed the learned Government Advocate to verify the antecedents of the petitioner.

5.When the matter was taken up for hearing today, the learned Government Advocate on instructions submitted that there are no bad antecedents against the petitioner.

6.Taking into consideration the fact that there are no materials available against the petitioner except the version given by the 2nd respondent, considering the background of the petitioner and taking into



Cr1.O.P.No.23075 of 2023

consideration the future interest of the petitioner and also the fact that no progress has taken place in the investigation, this Court is inclined to quash the FIR only in so far as the petitioner is concerned.

7.In the light of the above discussion, FIR in Crime No.2963 of 2016 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 with the above terms.

14.03.2024

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

N.ANAND VENKATESH, J.



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CrI.O.P.No.23075 of 2023

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To

- 1.The State represented by
The Inspector of Police,
Pallavaram Police Station,
Chennai – 600 043.
Chengalpattu District.
- 2.Sub-Inspector of Police,
Pallavaram Police Station,
Pallavaram, Chennai – 600 043.
Chengalpattu District.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

CrI.O.P.No.23075 of 2023

14.03.2024