



Crl.O.P.No.1237 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.08.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.1237 of 2023

A.M.Rasool.

... Petitioner/Accused No.4

/versus/

1. State by:

The Inspector of Police,
D-1, Triplicane Police Station,
Triplicane, Chennai – 600 005.

... Respondent/Complainant

2. Syed Mohamed Buhari.

... Respondent/defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to call for entire records in P.R.C.No.3 of 2022 on the file of the 2nd Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioner : No appearance

For R1 : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)



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ORDER

This Criminal Original petition is filed to quash the P.R.C.No.3 of 2022 on the file of the 2nd Metropolitan Magistrate Court, Egmore, Chennai.

2. On the complaint by one Syed Mohamed Buhari, Triplicane Police has registered a case in Crime No.1319 of 2017 on 27.12.2017. It is case of abduction, wrongful restraint and extortion. Initially, the complaint was against two named accused Shahul Hameed and Sulaiman Seit and their henchmen. After arrest of these accused persons, on the information given by them, the role of this petitioner also had come to light and he was arrested. The distribution of the money extracted from the defacto complainant to the accused persons and others were recovered and for sharing the common intention of abduction, wrongful confinement, hurt and intimidation, final report filed before the Metropolitan Magistrate-II, Egmore for the offences under Section 342, 364-A, 365, 368, 387, 323, 506(ii) r/w 34 of I.P.C.



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3. The petitioner states that except the statement of co-accused recorded by the Judicial Magistrate under Section 164 of Cr.P.C, there is no other incriminating evidence against this petitioner.

4. The Learned Government Advocate (Crl.Side) for the 1st respondent states that it is a case of conspiracy to extract money from the defacto complainant. The defacto complainant and his lady friend were confined in a lodge room and the defacto complainant was directed to transfer the money into the account of the accused persons. The defacto complainant alone was able to escape from the abductors and lodge the complaint. On his information, the police rescued the lady friend of the defacto complainant from the lodge room where she was wrongfully confined.

5. Further, the Learned Government Advocate (Crl.Side) for the 1st respondent submitted that pending committal, A1 also died and further, submits that the matter is posted to 29.08.2024 for committal.

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6. This Court, on perusal of the statement of the witnesses which reveals that the defacto complainant been put under fear and threat. He was forced to pay the money to the accused persons. When the defacto complainant was under the illegal custody of the accused persons, he was asked to request his friends to transfer money to one Mohammad Yasin/A9 died. The lady friend of the defacto complainant/Jayalakshmi has identified this petitioner as one of the person who abducted her and confined in the lodge.

7. Since the overwhelming evidence through statement of witnesses available as against this petitioner, the case against him cannot be quashed. Recording the same, this Criminal Original Petition is disposed of.

12.08.2024

Index :Yes/No.
Internet :Yes/No.
bsm

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To:-

1. The 2nd Metropolitan Magistrate Court, Egmore, Chennai.
2. The Inspector of Police, D-1, Triplicane Police Station, Triplicane, Chennai – 600 005.
3. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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