



CrI.O.P.(MD) No.2291 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.2291 of 2024

and

CrI.M.P.(MD) No.1755 of 2024

Sonai

...Petitioner

vs

**1.The Inspector of Police,
Theppakulam Police Station,
Madurai City.
Crime No.486 of 2023**

2.Magilavan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records and quash the First Information Report against the Petitioner in Crime No.486 of 2023 dated 07.10.2023 on the file of the first Respondent.

For Petitioner : Mr.N.Pandivelrajan

**For R1 : Mr.M.Veeranthiran
Government Advocate (CrI.side)**



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ORDER

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The learned Counsel for the Petitioner submits that the Petitioner had filed this Petition seeking to quash the FIR in Crime No.486 of 2023 pending on the file of the first Respondent. It is the contention of the learned Counsel for the Petitioner that the FIR was registered based on the oral complaint given by the injured person from the hospital bed stating that when he was proceeding near the Railway Gate, the accused 1 and 2 approached him, challenged him and attacked him for giving information to the police. The accused are alleged to have attacked him with knife, threatened him that they will finish him if he ever involves in the matter. In the earliest information provided by the injured, the name of the Petitioner is not at all found. Subsequently, the Petitioner's name was included by giving an alteration report, based on the alleged confession.

2.It is the further contention of the learned Counsel for the Petitioner that with an ulterior motive, the name of the Petitioner had been roped in, as though he was in the scene of occurrence or he invited the injured near the Railway Gate to meet the accused 1 and 2. He would further submit that the said confession recorded by the Investigation Officer is an after thought.



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The Petitioner was arrested after the first accused was arrested. Therefore, altering the case under Section 109 IPC only with an ulterior motive to rope the Petitioner is found unacceptable, as though he had summoned the injured to the place of occurrence.

3.The learned Government Advocate (Crl.side), on instructions of the first Respondent, would submit that the statement of the injured recorded under Section 161 Cr.P.C., mentions the name of the Petitioner.

4.The learned Counsel for the Petitioner relied on the remand report, wherein the Petitioner was remanded earlier. Only later, the accused 1 was remanded.

5.Considering the fact that the accused 1 and 2 had been arrested and remanded subsequent to the arrest of the Petitioner, the submission of the learned Counsel for the Petitioner is found reasonable. In the light of the above, the FIR in Crime No.486 of 2023 on the file of the first Respondent is hereby quashed against the Petitioner alone/A3. The Investigation Officer shall proceed with the investigation regarding the other accused.



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This Criminal Original Petition is allowed, accordingly.

Consequently, connected Miscellaneous Petition is closed.

Internet: Yes./No

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Index: Yes/No

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To

- 1.The Inspector of Police,
Theppakulam Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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