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Crl.O.P.(MD) No.4293 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.4293 of 2024

and

CRL.M.P (MD) No.3398 of 2024

Thiruppathiraja,

... Petitioner

Vs

State represented by

1. The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
Crime No. 123 of 2021.

2. The Sub Inspector of Police,
Watrap Police Station,
Virudhunagar District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertains to FIR in Crime No. 123 of 2021 dated 31.05.2021 pending on the file of the second respondent police and quash the same in respect of the petitioner alone.



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For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

The accused in Crime No.123 of 2021 has filed this application to quash the FIR pending against him.

2.The case of the prosecution is that on 31.05.2021, the second respondent caught the accused, who was preparing illicit arrack. Hence the case.

3.The learned Counsel for the petitioner submits that the petitioner is a temporary forest watcher and the second respondent has wrongly implicated the petitioner as an accused. During the said occurrence, the petitioner was on his duty. The petitioner is in no way connected with the incident. Hence the FIR is liable to be quashed.

4.The learned Government Advocate (Criminal Side) submits that the petitioner along with others had prepared spirit in their own land and the



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same was recovered, which is worth about Rs.50,00,000/-.

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5.This court considered the rival submissions made.

6.The case is pending at the stage of investigation. The grounds raised by this petitioner can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

7.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.



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8. Therefore, this petition is closed with liberty to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and shall conclude the investigation within a period of three months either by filing final report or with a closure report. Consequently, the connected miscellaneous petition is closed.

18.04.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

LR

To

1. The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

2. The Sub Inspector of Police,
Watrap Police Station,
Virudhunagar District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

LR

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