



Crl.O.P.(MD) No.8370 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.8370 of 2021

and

Crl.M.P.(MD)Nos.4292 & 4294 of 2021

P.Duraipandi

... Petitioner

Vs.

1. State represented through
the Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

2. Mr.SP.Mohan Alagappan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the final report in S.C.No.34 of 2018 on the file of the Principal District and Sessions Court, Sivagangai and quash the same as illegal.

For Petitioner : Mr.S.Malaikani

For R-1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

For R2 : No appearance



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ORDER

This Criminal Original Petition is filed seeking to quash the final report in S.C.No.34 of 2018 on the file of the Principal District and Sessions Court, Sivagangai.

2. The case of the prosecution in a nut shell is as follows:

On 03.05.2013 at about 21.30 hours when the defacto complainant was driving a TNSTC bus bearing Registration No.TN 63 N-1606, two persons came in a two wheeler bearing Registration TN 63 AX-2169 near Azad School, V.O.C. Road, Karaikudi and pelted stones on the bus as a result of which the front glass of the bus broke. The driver stopped the bus and the rider and the pillion rider of the two wheeler raised a slogan against the Government for arresting their leader. Based on the complaint given by the second respondent/defacto complainant, an F.I.R in Crime No.340 of 2013 was registered by the Inspector of Police, Karaikudi North Police Station and after conducting investigation, the Inspector of Police laid a final report in P.R.C.No.13 of 2013 before the learned Judicial Magistrate, Karaikudi. The learned



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Judicial Magistrate, Karaikudi after furnishing copies of records to the accused under Section 207 Cr.P.C committed the case to the Court of sessions and it was taken up on file as S.C.No.34 of 2018 against six accused for the offences punishable under Sections 120(b) I.P.C and 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act.

3. Mr.S.Malaikani, learned Counsel appearing for the petitioner would contend that F.I.R does not speak about the presence of the petitioner. However, in the final report, the police has inserted a conspiracy theory and has shown the present petitioner as an accused. He would further contend that the petitioner was arrested even before registering F.I.R in the instant case. According to him, the provisions of Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act would not attract to the present case as far as the present petitioner is concerned

4. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate would contend that the police after conducting proper investigation has laid a final report and that there is no valid ground to quash the same. His specific contention is that the petitioner was arrested previously in



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connection with Crime No.339 of 2013 of Karaikudi North Police Station for the offences punishable under Sections 188 and 341 I.P.C and not in connection with the present crime number.

5. In the F.I.R, the names of two persons who pelted stones on the bus are indicated. However, during the course of investigation it came to the notice of the respondent police that the present accused along with others conspired with each other to damage public transport and in furtherance of the same, the persons whose names are mentioned in the F.I.R had pelted stones on the said TNSTC bus. Merely because the name of the petitioner is not indicated in the F.I.R, the final report cannot be quashed. In fact the respondent police after conducting investigation had laid a final report and a reading of 161(3) Cr.P.C Statements of the witnesses also *prima facie* shows the commission of offences by the accused. Only during the course of trial, the truth or otherwise of the allegations of the prosecution and the present petitioner can be found out and I do not see any valid reason to quash the final report at this stage.

6. Accordingly, this Criminal Original Petition stands dismissed.



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Consequently, connected miscellaneous petitions are closed.

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Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
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31.01.2024

To

1. The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA, J.

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