



CrI.O.P.(MD)No.9737 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.9737 of 2024

and

CrI.M.P.(MD)No.6656 of 2024

Kadar Mohideen

... Petitioner

versus

1. The Inspector of Police,
Armuganeri Police Station,
Thoothukudi District.

2. Syed Abdul Kader

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the case in Crime No.148 of 2023 pending on the file of the first respondent Police.

For Petitioner : Mr.P.Samuel Gunasingh

For R1 : Mr.M.Sakthi Kumar,
Government Advocate (CrI. side)



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ORDER

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The petitioner has approached this Court that the respondent Police is harassing him and attempting to add him as an accused in Crime No. 148 of 2023.

2. The learned counsel appearing for the petitioner submits that the petitioner is not shown as an accused in Crime No.148 of 2023. According to him, there was a money dispute between the brother of the second respondent and one Selvendran. The said Selvendran has lodged a complaint as against the brother of the second respondent and therefore, there was a dispute between the said Selvendran and the brother of the second respondent. While so, a complaint has been lodged by the second respondent that his brother was abducted by the said Selvendran and others. In the said complaint, the petitioner's name was not found. However, the respondent Police has attempted to add the name of the petitioner as an accused. Therefore, the petitioner has approached this Court.



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3. The learned Government Advocate (CrI. Side) submits that the complaint was initially lodged by the second respondent/brother of the victim and after securing the victim, a statement was recorded from the victim. Based on the statement of the victim, the respondent Police has added the name of the petitioner as an accused. He further submits that investigation is in the crucial stage.

4. This Court considered the rival submissions and also perused the materials placed on record.

5. Admittedly, the petitioner is not shown as an accused in the FIR. However, the learned Government Advocate (CrI. Side) claims that the respondent Police rescued the victim. The victim gave a statement implicating the petitioner that he had a role in the commission of offence. Based on the statement of the victim, the respondent police has included the name of the petitioner as an accused in the FIR. He further submits that these matters are to be investigated by the investigating agency. Therefore, this Court is not inclined to interfere with the case at this stage.



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6. Accordingly, this Criminal Original Petition is dismissed.

However, the respondent Police is directed to conduct the investigation in a fair and proper manner and find out the truth. The respondent Police, while conducting the investigation, shall consider the materials placed by the petitioner in the typed set of papers and also the grounds raised in this petition during the course of investigation. The respondent Police is not expected to conduct the investigation in a mechanical manner with the materials placed by the defacto complainant and the victim alone. Consequently, connected miscellaneous petition is closed.

03.07.2024

Index : Yes / No.

Internet: Yes / No.

NCC : Yes/No.

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To

1. The Inspector of Police,
Armuganeri Police Station,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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