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Crl.O.P.(MD)No.19092 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.19092 of 2022

and

Crl.M.P.(MD).No.12875 of 2022

T.Vignesh Kumar

... Petitioner

Vs.

1.State through the Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.

2.Fathima Parveen,
Sub-Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of FIR in Crime No.348 of 2022 on the file of the first respondent police station and quash the same as illegal.

For petitioner

: Mr.P.T.Ramesh Raja
for M.Maharaja

For R1

: Mr.B.Nambiselvan,
Additional Public Prosecutor



ORDER

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This petition has been filed to quash the proceedings in Crime No. 348 of 2022 on the file of the first respondent Police, insofar as the petitioner is concerned.

2. The learned counsel for the petitioner submitted that on 18.09.2022, at about 04.00 p.m., while the defacto complainant along with her officials were on patrolling duties, they found that five persons were sitting together and they were planned to commit robbery by using the sword. After seeing the police, they were ran away from the place, two persons were secured and three persons were escaped from the place and the officials recovered arms from the accused persons. Based on the confession of the accused, respondent police found that their names are Sivaperumal, S/o.Aachi pandian, Sudalaimuthu @ Susu and they also made a confession against those three persons, namely, Nambirajan, Magesh and Martin. The petitioner's name was not found in the FIR and without any ground, the respondent police harassed the petitioner. Hence, he prays for queshment of the FIR.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that admittedly FIR discloses Five accused



persons' names as stated above and the petitioner's name was implicated based on the confession given by the accused Nos. 3 and 5. He further submitted that all those issues are matter for investigation and at this stage, it cannot be interfered with. Hence, he prays for dismissal of the petition.

4. Heard both sides and perused the materials available on record.

5. A perusal of the FIR shows that on 18.09.2022, at about 04.00 p.m., while the defacto complainant along with her officials were on patrolling duties, they found that five persons were sitting together and they were planned to commit robbery by using the sword, one Dio motor bike and one white color car were parked in the occurrence place. After seeing the police, they were ran away from the place, two persons were secured and three persons were escaped from the place and police officials recovered arms from the accused persons. Based on the confession of the accused, the respondent police found that their names are Sivaperumal, S/o.Aachi pandian, Sudalaimuthu @ Susu and they made confession against those three persons, namely, Nambirajan, Magesh and Martin. The petitioner's name was not found in the FIR, subsequently, A3 and A5 have given a confession against the petitioner



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thereby he was implicated in this case. The defacto complainant herself admitted in the FIR that five persons were present in the scene of occurrence and their names are specifically mentioned. This Court unable to understand how the sixth person was came up in the picture now, on the sole ground, FIR is liable to be quashed against the petitioner.

6. In the result, this Criminal Original Petition is allowed and the FIR in Crime No.348 of 2022 is quashed against the petitioner alone. Consequently, connected Criminal Miscellaneous Petition is closed.

21.03.2024

Index : Yes/No
Internet : Yes/No
TTA

To

- 1.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
- 2.Fathima Parveen,
Sub-Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TTA

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