

Crl.O.P.No.6817of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 6817 of 2024

and

Crl. M.P. No. 4996 of 2024

G.Prabhakar

...Petitioner

-Vs-

1.State Rep By
The Inspector of Police,
R-1, Mambalam Police Station, T-Nagar,
Chennai - 600 017.

2.Y. Siva Arul Durai

Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records pertaining to the CC.No.3974 of 2021 pending on the file of the XVII Metropolitan Magistrate Court, Saidapet and consequently set aside and quash the same.

For Petitioner : Mr.Leelesh Sundaran

For Respondents : Mr. R. VinothRaja for R1
Government Advocate (Crl. Side)

ORDER



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This Criminal Original Petition has been filed to quash the proceedings in C.C. No. 3974 of 2021 on the file of the XVII Metropolitan Magistrate, Saidapet and also set aside the same.

2. The case of the prosecution is that on on 03.11.2019, the first accused came to the Jewellery shop of the second respondent to buy jewels in exchange of some of his old jewels. After purchase, he went to the toilet and brought back the jewels purchased by him with some paste on it and shouted that the jewels purchased are imperfect and in that regard he wanted to meet the defacto complainant. On seeing the defacto complainant, the first accused along with second accused threatened him that he would inform the issue to the press and media and demanded money. They have taken a sum of Rs.15 lakhs kept in the owner's cabin by force and left the place in Maruthi Suzuki Swift Car. Again the accused came to the shop on 04.11.2019 by demanding more money. On 11.11.2019 at about 7 pm, the accused A4, A5 and A6 came to the shop by staling that they are from Press Club of India and demanded more money. It is alleged that A1 had connivance with A3 and A3 suggested to extract more money and thus sent A4 to A6 to the defacto complainant's shop. While A1 and A3 had taken money, A2 got his share



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of Rs.2 lakhs.

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3. There are totally six accused, in which the petitioner is arrayed as A5. A3 to A6 are standing in the same footing. Insofar as A3 is concerned, he filed a quash petition before this Court in Crl.O.P.No. 23608 of 2021 and this Court by an order dated 16.11.2022, quash the entire proceedings. The relevant portion of the order as follows: -

“4. The learned counsel for the petitioner would submit that as far as the 3rd accused is concerned, he does not have any overt act in the occurrence and he was not even identified by any one. There is no material available on records as against the petitioner to subject him under trial.

5. The learned Additional Public Prosecutor would submit that only on the basis of the statements given by other witnesses, he is also been implicated as the accused in this case. From the statement of the defacto complainant, it is seen that he had never met the petitioner/A3 during the occurrence and that he has not stated any thing about the petitioner. The defacto complainant could not even named the persons entered on the alleged date of occurrence. However, he had identified the petitioner 3rd accused after they have been arrested. The defacto complainant had stated that he came to understand from the respondent that



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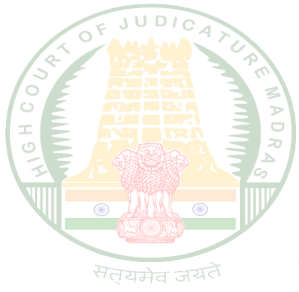
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the 3rd accused had acted behind the occurrence. The Tea Master of the bunk shop situated opposite to the place of occurrence, has stated that on the date of occurrence the petitioner dropped some persons into the shop of the defacto complainant and left the shop. After leaving the said persons, the petitioner was not there. Apart from the above statement, no other material is available the record to incriminate the petitioner in this case.

6. The learned counsel for the petitioner would submit that the petitioner is an advocate who was engaged by the accused 1 and 2 and hence he was also implicated in this case. The 3rd accused is said to have come to the shop and dropped some persons and went away. With this statement of the witness, it cannot be concluded that the petitioner had any connivance with the other accused and threatened the 2nd respondent to extract money from him.

7. Admittedly the petitioner did not get into the shop or threatened the 2nd respondent. Even though in the confession statement of the other accused, they have stated about the 3rd accused, it is a weak piece of evidence. With these bald materials, if he is put under trial, no purpose will be served. Hence, I feel it is appropriate to quash the proceedings as against the petitioner.

8. In the result, this Criminal Original Petition is allowed. The proceedings in C.C.No.3974 of 2021 on the



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file of the learned XVII Metropolitan Magistrate, Saidapet is hereby quashed as against the petitioner / 3rd accused alone. Consequently, connected miscellaneous petition is closed.”

4. In view of the above, the proceedings in C.C. No. 3974 of 2021 on the file of the XVII Metropolitan Magistrate, Saidapet cannot be maintained as against the petitioner and liable to be quashed. Accordingly, quashed.

5. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

21.04.2025

Indes: Yes/No

Neutral Citation: Yes/No

Vv



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G.K.ILANTHIRAIYAN. J,

Vv

To

1.The XVII Metropolitan Magistrate, Saidapet.

2.The Inspector of Police,
R-1, Mambalam Police Station,
T-Nagar, Chennai - 600 017.

3.The Public Prosecutor,
Madras High Court,
Chennai.

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Crl.M.P.No.4996 of 2024

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