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Crl.O.P.No.9415 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.03.2025**

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9415 of 2025

G.Sriram

... Petitioner

Versus

The State rep.by
Inspector of Police,
C-1 Sriperambadur Police Station,
Kancheepuram. (Crime No.398 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita,(BNSS) 2023, to call for the records culminating in the impugned Crime No.398 of 2023 and quash the same.

For Petitioner : Mr. A. Abdul Dasthagiri

For Respondent : Mr. A. Gopinath,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed challenging the First Information Report proceedings in Crime No.398 of 2023 on the file of the respondent, pending against the petitioner.



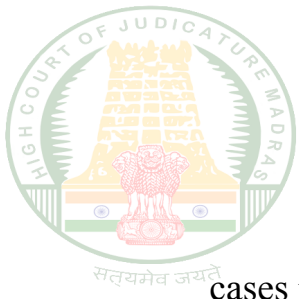
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2. The case of the prosecution is that the petitioner, along with other persons, was found in possession of deadly weapons with the intention to commit dacoity. After investigation, the respondent found the accused and registered the First Information Report in Crime No.398 of 2023 dated 30.04.2023, for the alleged offence under Section 399 of the Indian Penal Code, (IPC), 1860.

3. Learned counsel for the petitioner submitted that the petitioner, who works in a private company, was falsely implicated by the respondent Police, for the offence under Section 399 of IPC. The petitioner has no connection with the offence as alleged by the prosecution. Therefore, he prayed that the First Information Report is liable to be quashed.

4. Learned Government Advocate (Criminal Side) appearing for the respondent Police, on instructions, submitted that the petitioner, along with four other persons, was standing with deadly weapons. However, there is no recovery of weapons, and there are no previous



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cases pending against the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Upon perusal of records, and hearing submissions from both sides, it is seen that the petitioner works in a private company, and has no bad antecedents. Therefore, the registration of the First Information Report appears to be obtained with *mala-fides* and constitutes an ulterior motive.

7. In view of the above, no offence is made out as alleged by the respondent, and the First Information Report is not sustainable and is liable to be quashed. Accordingly, the First Information Report in Crime No.398 of 2023 pending on the file of the respondent, is hereby quashed as against the petitioner alone. However, the respondent is directed to complete the entire investigation in Crime No.398 of 2023 pending against the other accused within a period of eight weeks from the date of receipt of a copy of this order.



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8. With the above observations and direction, this Criminal
Original Petition is allowed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

klt



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- To
- 1.The Inspector of Police,
C-1 Sriperambadur Police Station,
Kancheepuram.
(Crime No.398 of 2023)
 - 2.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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