



Crl.O.P.No.8731 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8731 of 2025

Mohamed Shafik

... Petitioner

Vs

1. The State Rep. By
The Inspector of Police,
D-2, Selvapuram Police Station,
Coimbatore District.
(Crime No.242 of 2024)

2. The Sub Inspector of Police,
D-2, Selvapuram Police Station,
Coimbatore District.

... Respondents

PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 482 of Cr.P.C, to call for the records relating to Crime No.242 of 2024 on the file of the first respondent police quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.P.Krishnamurthy

For R1 and R2 : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed challenging the FIR in Crime No.242 of 2024 on the file of the first respondent police.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents and perused the materials available on record.

3. The case of the prosecution is that based on secret information, the respondent Police proceeded to the scene of occurrence and found that the petitioner, along with other accused persons, had planned to commit robbery of money and valuables by targeting large houses located in Selvapuram and Sokkampudur, Coimbatore, using deadly weapons. On seeing the respondent Police, the accused attempted to escape from the place. However, they were apprehended by the respondent Police. Hence, the respondent Police registered FIR in Crime No.242 of 2024 for the offences punishable under Sections 61(2) and 310(4) of BNS, 2023.

4. Even according to the case of the prosecution, the petitioner along with other accused persons prepared to commit dacoity. As far as the petitioner is concerned, he is arrayed as A5. He has absolutely no specific overtact in order to attract the offences under Sections 61(2) and 310(4) of BNS, 2023. The



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petitioner has no previous antecedents. On 23.10.2024, at about 10.00 pm, while the petitioner was planning to return to his home from the textile shop where he is working, the Police Personnel had waylaid him and took him under the custody. It shows that the petitioner was taken to the police station on suspicious ground and added him as an accused along with other persons in the present case. Therefore, it is nothing but a clear abuse of process of law and the impugned FIR cannot be sustained as against the petitioner and it is liable to be quashed.

5. In view of the above, the FIR in Crime No.242 of 2024 on the file of the first respondent police, is hereby quashed as against the petitioner alone. Accordingly, this Criminal Original Petition stands allowed.

26.03.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order

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G.K.ILANTHIRAIYAN. J,

mn

To

1. The Inspector of Police,
D-2, Selvapuram Police Station,
Coimbatore District.
2. The Sub Inspector of Police,
D-2, Selvapuram Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

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