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Crl.O.P.No. 13563 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2025

CORAM:

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

Crl.O.P.No.13563 of 2025 and
Crl.M.P.Nos.8986 and 8987 of 2025

A.Thirumaran

... Petitioner

Vs.

1.State rep by,
The Inspector of Police,
R-1 Mambalam Police Station,
Crime Branch, T Nagar,
Chennai 600 017.
Crime No.700/2019.

2.Siva Arul Durai

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the charge sheet in C.C.No.3974 of 2021 pending trial on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.C.D.Johnson

For R1 : Mr.R.Vinothraja,
Government Advocate (crl.side)

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ORDER

This petition has been filed to quash the proceedings in C.C.No.3974 of 2021 pending on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai.

2. The case of the prosecution is that on 11.11.2019 at 7:00 PM, three individuals came to the house of the second respondent and demanded money by threatening him. Earlier, on 03.11.2019, the first accused had visited the jewellery shop of the second respondent to purchase jewels in exchange for some of his old ones. After the purchase, he went to the toilet and returned with the newly purchased jewels, which had some paste on them. He then created a scene, alleging that the jewels were defective, and demanded to meet the second respondent. After meeting the second respondent, the first accused, along with the second accused, threatened him, stating that they would inform the press and media about the issue unless money was paid. They forcibly took a sum of Rs. 15 lakhs, which was kept in the owner's cabin, and left the premises in a Maruti Suzuki Swift car. The accused returned to the shop



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again on 04.11.2019, demanding more money. On 11.11.2019 at about 7:00 PM, accused A4, A5, and A6 came to the shop claiming to be members of the Press Club of India and again demanded money. It is alleged that A1 was in connivance with A3, who had suggested extracting more money, and hence A4 to A6 were sent to the second respondent's shop. While A1 and A3 took money, A2 received a share of Rs. 2 lakhs.

3. There are a total of six accused, and the petitioner is arrayed as A4. Accused A3 to A6 stand on the same footing. As far as A3 is concerned, he filed a quash petition before this Court in Crl. OP No. 23608 of 2021, and by an order dated 16.11.2022, this Court quashed the entire proceedings. The relevant portion of the order is 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



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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 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



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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 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 proceeding in C.C. No. 3974 of 2021 on the file of the XVII Metropolitan Magistrate, Saidapet, cannot be maintained as against the petitioner and is liable to be quashed. Accordingly, the proceeding in C.C.No.3974 of 2021 is hereby quashed.

G.K.ILANTHIRAIYAN, J.

shk

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



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Neutral citation : Yes/No
Speaking/non-speaking order
shk
To

1. XVII Metropolitan Magistrate, Saidapet
2. The Inspector of Police,
R-1 Mambalam Police Station,
Crime Branch, T Nagar,
Chennai 600 017.
3. The Public Prosecutor,
High Court, Madras.

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