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CrI.O.P.No.242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.242 of 2025 and

CrI.M.P.No.91 of 2025

Santhya

... Petitioner

Vs.

1. The Inspector of Police
Thiruvottiyur Police Station
Chennai

2. Rani

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records of the C.C.No.109 of 2024 for the offence under Section 380 of IPC pending on the file of the learned Judicial Magistrate, Thiruvottiyur quash the same.

For Petitioner : Mr.S.N.Subramani

For 1st Respondent : Mr.S.Sugendran

Additional Public Prosecutor



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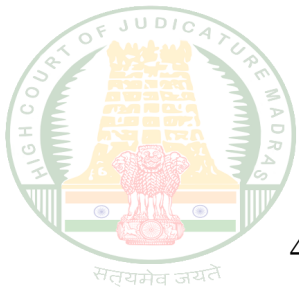
ORDER

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This Criminal Original Petition has been filed by the petitioner to quash the case in C.C.No.109 of 2024 for the offence under Section 380 of IPC pending on the file of the learned Judicial Magistrate, Thiruvottiyur.

2. The learned counsel for the petitioner submitted that the FIR in Crime No.809 of 2023 itself has been registered as "accused not unknown" and that, no specific value of the alleged stolen properties have been mentioned in the FIR. Earlier, the petitioner filed a petition to quash the FIR by filing petition in Crl.O.P.No.6654 of 2024 and pending O.P., the respondent by the influence of the petitioner's husband, hurriedly filed the charge sheet against the petitioner and hence, the said petition was closed. Therefore, the charge sheet filed against the petitioner in C.C.No.109 of 2024 has to be quashed.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent police and perused the materials available on record.

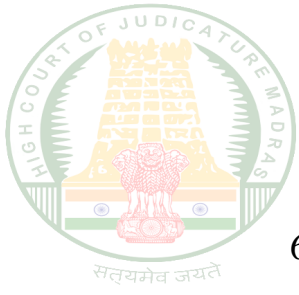


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4. Since no adverse order is being passed against the second respondent,

notice to the second respondent is dispensed with.

5. A perusal of records shows that though the FIR has been registered against unknown person, subsequently, during investigation, L.W.1 has identified the petitioner as the one who stolen the properties. Therefore, there is a specific overt-act against the petitioner. Further, FIR is not an Encyclopedia. It is only a First Information Report to set the law in motion. In this case, though the accused name is not mentioned in the FIR, the investigation revealed that the petitioner is the one who committed the offence and based on the investigation, the respondent police has laid the charge sheet and the same has also been taken on file by the Judicial Magistrate, Thiruvottiyur in C.C.No.109 of 2024. There is no ground made out by the petitioner to quash the case against the petitioner. The grounds taken by the petitioner are nothing but defence which can be agitated only during trial.



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6. Therefore, this Criminal Original Petition is dismissed. Consequently,

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connected Miscellaneous Petition is closed.

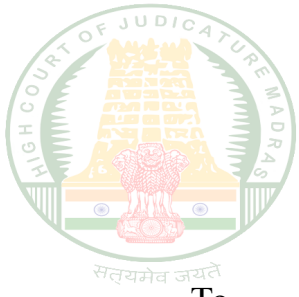
07.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Judicial Magistrate, Thiruvottiyur

2. The Inspector of Police
Thiruvottiyur Police Station
Chennai

3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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