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Court : Chennai Madurai

Decided On : May-04-2016

Judge : P.N. Prakash

Appeal No. : Crl.OP(MD)No. 7417 of 2016 & Crl.MP(MD) No. 3750 of 2016

Appellant : V.C. Rajendran and Others

Respondent : State Represented by The Inspector of Police

Judgement :

(Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the case in Crime No.40 of 2016 on the file of the respondent/ complainant and quash the same in respect of the petitioners / accused and thus render justice.)

1. This petition has been filed to call for the records relating to the case in Crime No.40 of 2016 on the file of the respondent/ complainant and quash the same in respect of the petitioners / accused.

2. Heard the learned counsel for the petitioners and the learned Government Advocate [crl.side] appearing for the State.

3. On the complaint lodged by S.Meikan, the Sub Inspector of Police, Eriyodu Police Station, the Inspector of Police registered a case in Cr.No.40 of 2016 on 03.02.2016 for offences under Sections 147 and 307 IPC against the petitioners

herein, challenging which the petitioners have approached this Court for quashing the FIR.

4. It is the case of the prosecution that on 03.02.2016 around 14.30hrs, the defacto complainant received intelligence that illegal sand mining is going on within his jurisdiction and so, he went with the party of Police to the place of occurrence, where he found lorries bearing Regn. Nos. TN-57 X 3693, TN-67 Z 9376, TN-57 B 6567 and a Tractor bearing Regn. No.TN-57 AV 5230 with trailer and V.C.Rajendran and his group were found illegally loading sand in vehicles. On seeing the Police, they challenged them and after intimidating the Police, they got into a Bolero Car bearing Regn. No.TN-67 5985 and attempted to mow down the Police party. The petitioners / accused thereafter escaped from the place of occurrence.

5. The learned Senior Counsel appearing for the counsel on record submitted that on the face of it, the FIR appears incredible and deserves to be quashed. He placed strong reliance on the judgment of the Supreme Court in Baijnath Jha v. Sita Ram and another [(2008) 8 SCC 77], wherein, the Supreme Court extracted the relevant paragraphs from State of Haryana v. Bhajan Lal [1992 SCC (Cri) 427]. The learned Senior Counsel relied upon paragraphs 102(5) and 102(7) which read as follows:

"102(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

102(6) .....

102(7) Where a criminal proceeding is manifestly attended with mala fides and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

6. Per contra, the learned Government Advocate (Crl.Side) submitted that the petitioners are notorious accused and gave the catalogue of cases registered

against them.

Sl.No.	Crime No., Charging Sections and Police Station	Result
I. V.C.Rajendran, Rowdy H.S.No.418/1991		
1.	Crime No.326/87 u/s.147, 148, 324, 302, 506(ii) IPC of Dindigul West PS	Acquitted
2.	Crime No.58/96 u/s. 147, 448, 342, 323 @ 376, 511, 506(ii) IPC of Vadamadurai	Acquitted
3.	Crime No.167/98 u/s 147, 148, 302 IPC of Vadamadurai P.S.	Acquitted
4.	Crime No.32/2000 u/s. 147, 148, 324, 452, 397, 506(ii) IPC 3(i) TNPPDL Act of Vadamadurai PS	Pending Trial
5.	Crime No.1661/90 u/s.452, 323, 506(ii) IPC of Dingigul Town North PS	Acquitted
6.	Crime No.736/91 u/s.147, 148, 341, 323, 324 @ 307 IPC of Dindigul Town North PS	Acquitted
7.	Crime No.58/94 u/s.147, 323, 382, 148, 354, 506(i) IPC of Dindigul Town North PS	Acquitted
8.	Crime No.87/96 u/s.147, 341, 325, 148, 354, 506(i) IPC of Dindigul Town North PS	PT
9.	Crime No.1554/92 u/s.147, 148, 323, 324, 307 IPC of Dindigul Taluk PS	Acquitted
10.	Crime No.529/92 u/s. 382 IPC of Dindigul Taluk PS	PT
11.	Crime No.132/93 u/s.341, 353, 307 IPC of Dindigul Taluk PS	Acquitted
12.	Crime No.1113/93 u/s 5 of Explosives Substance Act and 25(i)(a) Arms Act of Dindigul Taluk PS	PT
13.	Crime No.438/97, u/s.147, 341, 323, 307 IPC of Vedasandur PS	Acquitted
14.	Crime No.150/98 u/s.397 IPC of Vedasandur PS	Acquitted

15.	Crime No.511/99 u/s.379, 427 IPC of Vedasandur PS	Acquitted
16	Crime No.212/92 u/s 20(i)(b) NDPS act and 5(1) of Explosives Substances Act of Vedasandur PS	Acquitted
17.	Crime No.438/97 u/s.147, 341, 323, 307 IPC of Vedasandur PS	Acquitted
18.	Crime No.988/99 u/s.147, 148, 323, 365, 307 IPC of Oddachanthram PS	Acquitted
19.	Crime No.516/91, u/s.147, 148, 341, 324, 506(i) IPC of Eriodu PS	Acquitted
20.	Crime No.162/94 u/s.147, 341, IPC of Eriodu PS	Acquitted
21.	Crime No.50/96 u/s.394 IPC -do-	Acquitted dt.17.04.2000
22.	Crime No.96/96 u/s.363 @ 302, 201 IPC of Eriodu PS	M.F.
23.	Crime No.259/2003 u/s.147, 148, 341, 506(ii) IPC	Acquitted dt 16.12.2003
24.	Crime No.106/96 u/s.147, 447, 427 IPC of Eriodu PS	Acquitted
25.	Crime No.107/96 u/s.147, 447, 427 IPC of Eriodu PS	Acquitted
26.	Crime No.108/96 u/s.363, 511 IPC of Eriodu PS	Acquitted
27.	Crime No.259/97 u/s.147, 148, 341, 324, 506(ii) IPC of Eriodu PS	Acquitted
28.	Crime No.320/97 u/s.341, 506(i) IPC of Eriodu PS	Acquitted
29.	Crime No.220/99 u/s.363, 341, 323, 354, 506(i) IPC of Eriodu PS	Acquitted
30.	Crime No.227/99 u/s.147, 148, 323,354, 506(ii) IPC -do-	Acquitted dt.01.06.2004
31.	Crime No.98/96 u/s.147, 148, 323, 354, 506(ii) IPC -do-	Acquitted dt.06.01.2011
32.	Crime No.44/2000 u/s.147, 148, 506(ii) IPC -do-	Pending trial

33.	Crime No.49/2000 u/s.147, 148, 506(ii) 427 IPC -do-	Pending Trial
34.	Crime No.51/2000 u/s.147, 148, 506(ii) 153(A), 307 IPC r/w 3(1) TNPPDL Act -do-	Acquitted
35.	Crime No.52/2000 u/s.147, 148, 427, 506(ii) r/w. 3(1) TNPPDL Act -do-	Pending Trial
36.	Crime No.80/2006 u/s.147, 148, 341, 506(ii) 294(b) IPC -do-	Pending Trial
37.	Crime No.289/2012, u/s.147, 148, 341, 324, 307 IPC -do-	UI
38.	Crime No.03/2015 u/s.107 Cr.P.C.	Pending proceedings
39.	Crime No.302/2012 u/s.341, 392, 397, 506(ii) IPC of Eriodu PS	PT
40.	Crime No.485/06 u/s.147, 148, 341, 307 IPC of Vedasandur PS	PT
41.	Crime No.262/97 u/s.294(b), 506(i) IPC of Vadamadurai PS	PT
42.	Crime No.195/2007 u/s.379, 25(i) MMDR Act of Eriodu PS	PT
43.	Crime No.355/07 u/s.147, 148, 341, 364, 506(ii) IPC r/w 25(i) Arms Act of Vadamadurai PS	PT
44.	Crime No.679/2007 u/s.363, 379, 506(ii) IPC of Vadamadurai PS	PT
45.	Crime No.17/08 u/s.323, 379, 506(ii) IPC of Eriodu PS	Acquitted
46.	Crime No.45/08 u/s.387 IPC of Vedasandur PS	PT
47.	Crime No.301/09 u/s.294(b), 323, 506(ii), 420, 511 IPC of Vedasandur PS	PT
48.	Crime No.45/08 u/s.147, 148, 394, 353, 324, 307, 506(ii) IPC 3 of TNPPDL Act of Sekkanuranee PS	PT
49.	Crime No.408/10 u/s.307, 387, 506(ii) IPC - ground case for Goonda Act of Eriodu PS	PT

50.	Crime No.411/10 u/s.323, 387, 506(ii) IPC of Eriodu PS	PT
51.	Crime No.7/11 u/s.379 IPC 25(i) MMDR Act of Eriodu PS	PT
52.	Crime No.24/11 u/s.341, 506(ii), 109 IPC of Eriodu PS	PT
53.	Crime No.25/11 u/s.294(b), 323, 324, 354, 506(i) IPC of Eriodu PS	PT
54.	Crime No.289/12 u/s.147, 148, 341, 324, 307 IPC of Eriodu PS	UI
55.	Crime No.302/12 u/s.341, 392, 506(ii) IPC of Eriodu PS	PT
56.	Crime No.40/2016 u/s.147, 307 IPC	Under investigation
57.	Crime No.41/2016 u/s.147,307 IPC	Under investigation
II. V.C.Dharmar, HS Rowdy HS No.24/2006		
1.	Crime No.291/01 u/s.366, 368 @ 366 r/w 109 IPC of Eriodu PS	PT absconding
2.	Crime No.67/06 u/s.323, 324 IPC of Eriodu PS	Absconding
3.	Crime No.80/06 u/s.147, 148, 341, 294(d), 506(ii) IPC of Eriodu PC	"
4.	Crime No.411/2010 u/s.323, 387, 506(ii) IPC of Eriodu PS	"
5.	Crime No.167/1998 u/s.147, 148, 302 IPC of Vadamadurai PS	"
6.	Crime No.301/2009 u/s.294(b), 323, 506(ii) IPC of Vedasandur PS	"
7.	Crime No.251/2004 u/s.294(b), 427, 387 IPC of Eriodu PS	"
8.	Crime No.6/2012 u/s.147, 148, 341, 307, 366 IPC of Eriodu PS	"

9.	Crime No.25/2011 u/s.294(b), 323, 324, 506(ii) IPC	"
10.	Crime No.86/11 u/s.109 IPC of Eriodu Police Station	"
11.	Crime No.289/12 u/s.147, 148, 341, 324, 307 IPC of Eriodu Police Station	"
12.	Dindigul City North PS Crime No.602/14 u/s.147, 148, 452, 302, 506(ii) IPC of Eriodu PS	"
13.	Crime No.65/15 u/s.397 IPC	"

7. From the details given above, it is apparent that the petitioners are not ordinary persons and the petitioners 1 to 5 are brothers, who are into the business of committing crimes as a family enterprise.

8. Learned Senior Counsel for the petitioners submitted that two FIRs have been registered, namely, Crime No.40 of 2016 and Crime No.41 of 2016, both of which, appear incredible.

9. On a close reading of the FIRs, it is seen that the case in Crime No.40 of 2016 was registered for the incident that took place on 03.02.2016 at 14:30 hrs and thereafter, the case in Crime No.41 of 2016 was registered on the complaint given by Dawood Hussain, the Sub-Inspector of Police in respect of the incident that took place at 3:00pm, when the Police party attempted to intercept the accused during vehicular check.

10. Looked at from this angle, it cannot be inferred that the FIR defies credulity. Therefore, the allegations in the FIR do not pass muster the law laid down by the Supreme Court in Bajanlal's case for quashing the FIR.

In the result, the petition is devoid of merits and the same is dismissed. Consequently, connected miscellaneous petition is closed.

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