



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.07.2017
CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

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Cr1.O.P.(MD) No.8892 of 2017

Arul Francis

... Petitioner

-Vs-

1. The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.

2. The Inspector of Police,
Ilayankudi Police Station,
Ilayankudi,
Sivagangai District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent not to harass the petitioner by insisting him to produce the Tractor Documents to the Tractor bearing Registration No.TN63AA-5737 in the course of enquiry in connection Crime No.186 of 2014 which had been sold long back.

For Petitioner : Mr.K.Sudalaiyandi
For R-1 & R-2 : Mr.K.Anbarasan,
Government Advocate(Cr1.side).

O R D E R

This Criminal Original petition is filed for a direction to the second respondent not to harass the petitioner by insisting him to produce the Tractor Documents to the Tractor bearing Registration No.TN63AA-5737 in the course of enquiry in connection with Crime No.186 of 2014 which had been sold long back.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents.

3. The learned counsel for the petitioner submitted that a case was registered in Crime No.186 of 2014, dated 13.07.2014 against the petitioner and one other for the alleged offence under Section 3 of I.P.C., r/w 4(1), 21(AA) of Mines and Minerals Act, 1957, by the second respondent.



4. It is in the said circumstances, the petitioner who is the main accused in the criminal case, appears to have sold the Tractor during the pendency of the criminal case.

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5. It is the case of the petitioner that the petitioner had already sold the Tractor which was involved in the offence and that therefore, instead of proceedings against the Tractor and the present purchaser, the petitioner is being unnecessarily harassed under the guise of enquiry, particularly, by calling the petitioner to produce the documents.

6. It is the further case of the petitioner that the second respondent registered a false case against the petitioner. The fact that the case was registered in Crime No.186 of 2014 against the petitioner is not in dispute. The criminal case is only against the petitioner and not the Tractor. Merely because the petitioner sold the Tractor, it cannot be held that the respondent police does not have any valid ground to investigate into the crime and to proceed further. The petition is misconceived. Hence the Criminal Original petition is dismissed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.
2. The Inspector of Police,
Ilayankudi Police Station,
Ilayankudi,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.K.Sudalaiyandi , Advocate in SR.No. 65204

pmu

AE/GT/SAR3/26.07.2017/2P/5C