

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.28062 of 2018
and Crl.M.P.No.16304 of 2018

Haridoss

...Petitioner

Versus

The State,
Rep. By Inspector of Police,
B4 - Police Station,
Sevviapet, Thiruvallur Dist.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of F.I.R in Crime No.616 of 2018 and quash the same as against the petitioner/4th accused herein.

For Petitioner : M/s.Shaikh Mehrunisa
for K.Chandrasekaran

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the F.I.R in Crime No.616 of 2018, pending on the file of the respondent Police.

2.The petitioner has been arrayed as A4 in the F.I.R. The F.I.R came to be registered as against A1 to A4 on the basis of an information received by the Police that A1 to A3 are using an JCB machine for the purpose of digging sand illegally. Based on the statement given by A1 to A3, A4 was also made as an accused on the ground that JCB belongs to him and he only asked the accused person to do sand mining with the JCB machine.

3.The learned counsel for the petitioner would submit that the petitioner had merely given the JCB machine on lease to the accused persons for the purpose of carrying on building construction. This has been misused by A1 to A3 for the alleged sand mining and the petitioner has absolutely no role to play in

this case. The petitioner has been added an accused only on the ground that he is the owner of the JCB machine.

4. The stand taken by the learned counsel for the petitioner is purely factual in nature. Whether this petitioner had any role to play or it was only on his instructions that A1 to A3 had committed sand theft, will be known only in the course of investigation. This Court is not in a position to interfere with the investigation at this stage.

5. Hence, this Criminal Original Petition is disposed of, with a direction to the respondent Police to complete the investigation and to file a final report within a period of three months from the date of receipt of a copy of this order and consequently, the connected Miscellaneous Petition is also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vv2

To

1.The Inspector of Police,
B4 - Police Station,
Sevviapet, Thiruvallur Dist.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Chandrasekaran, Advocate, S.R.No. 82550

सत्यमेव जयते

Cr1.O.P.No.28062 of 2018

GN(17/12/2018)

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