

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6105 of 2019
and Crl.M.P.No.3405 of 2019

Sivachanthiran

... Petitioner

Vs.

The State rep. By
The Sub-Inspector of Police,
Manalurpet Police Station,
Villupuram District.
(Crime No.67 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the First Information Report in Cr.No.67 of 2019 on the file of the respondent herein and quash the same.

For Petitioner : Mr.C.Magesh Kumar

For Respondent : C.Raghavan
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.67 of 2019 on the file of the respondent herein.

2.Heard both sides.

3.The petitioner is arrayed as an accused in Crime No.67 of 2019 for the alleged offence punishable under Section 379 IPC, r/w Section 21(1) of Mines and Minerals (Development & Regulation), Act 1957.

4.The learned counsel for the petitioner submitted that R.C. Book of the vehicle stands in the name of one Kumar and that he has been falsely implicated in this case. Hence, he prays to quash the F.I.R., registered against him.

5.The learned Government Advocate (Crl.side) submitted that the petitioner is the owner of the vehicle and he used his vehicle for transporting illegal sand.

6.Heard both sides.

7.On perusal of the records, it is seen that the R.C. Book of the said vehicle stands in the name of one Kumar, Son of Natesan. Therefore, the petitioner is not the owner of the vehicle, which was seized by the respondent alleged it was used for sand theft.

8.The petitioner has made out a prima facie case and the F.I.R in Crime No.67 of 2019 is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the F.I.R., in Crime No.67 of 2019 is hereby quashed. However, the respondent Police is directed to conduct an enquiry and complete the investigation and file a final report in respect of other accused in Crime No.67 of 2019, within a period of three months from the date of receipt of copy of this order. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub-Inspector of Police,
Manalurpet Police Station,
Villupuram District.
(Crime No.67 of 2019)

2. The Public Prosecutor,
High Court, Madras.

PP(CO)
SSM(05/04/2019).

Crl.O.P.No.6105 of 2019

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