

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.11378 of 2019

V.Sivaprakasam

...Petitioner

-Vs-

1.The Inspector of Police,
Belukurichi Police Station,
Namakkal District

2.S.Saraswathi

3.Hinduja Leyland Finance,
No.782/A2, RSR Complex,
1st Floor, Salem Road,
Namakkal

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and quash the F.I.R. in Crime No.32 of 2018 on the file of the first respondent police against the petitioner who is arraigned as the second accused.

For Petitioner : M/s.Ganesh and Ganesh
For Respondents : Mr.M.Mohamed Riyaz,
For R1 : Additional Public Prosecutor

ORDER

This petition has been filed to quash the F.I.R. in Crime No.32 of 2018 registered by the first respondent police for the offences under Sections 465, 468, 471, 420, 294(b) and 506(ii) of IPC, as against the petitioner.

2. The learned Counsel appearing for the petitioner would submit that the petitioner, who has been arrayed as second accused in this case, is an innocent person and he has not committed any of the offences as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.32 of 2018 for the offences under Sections 465, 468, 471, 420, 294(b) and 506(ii) of IPC, as against the petitioner. He further submits that the first accused, namely M.Gobi only hypothecated the vehicle with the third respondent Financier and

obtained loan, which was not repaid, pursuant to which the third respondent classified the account as a Non-Performing Asset and put up the vehicle for sale. The petitioner is only the subsequent purchaser as such he has not committed any crime as alleged by the prosecution. Hence he prayed to quash the F.I.R.

3. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent police have only to file final report.

4. Heard the learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent Police.

5. It is seen that the petitioner is arrayed as second accused in Crime No.32 of 2018 registered for the offences under Sections 465, 468, 471, 420, 294(b) and 506(ii) of IPC. It is seen from the F.I.R., that there are specific allegations as against the first accused. Insofar as the petitioner is concerned, he is only the subsequent purchaser of the vehicle from the Financier, namely Hinduja Leyland Finance, Namakkal.

6. Considering the facts and circumstances of the case, the petitioner is directed to submit all the relevant documents showing that he is the subsequent purchaser to the first respondent. On receipt of the same, the first respondent is directed to consider those documents and delete the petitioner's name in the F.I.R. if it is found any materials showing that the petitioner is the subsequent purchaser and he is no way connected with the earlier transaction between the first accused and the defacto complainant and thereafter to proceed with the enquiry as against the other accused persons.

7. With the above directions, this Criminal Original Petition is disposed of.

सतरामेव जयते
s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

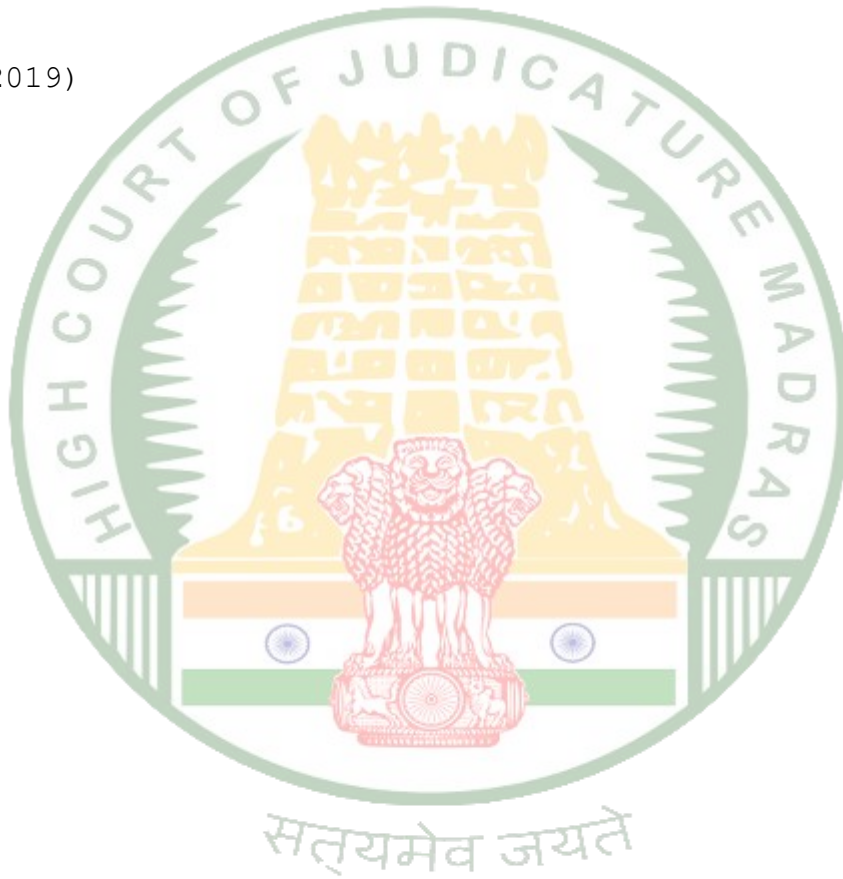
1.The Inspector of Police,
Belukurichi Police Station,
Namakkal District

2.The Public Prosecutor,
High Court of Madras

+2 CCS to Mr.Ganesh & Ganesh, Advocate sr 40513.

Cr1.O.P.No.11378 of 2019

GMR (CO)
SP (08/05/2019)



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