

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN, J.

Cr1.O.P.No.9015 of 2020

Hemanth Kumar Dhanala

... Petitioner

Vs.

1.The State,
Represented by Inspector of Police,
Vengal Police Station,
Thiruvallur District,
Thiruvallur District.
(Crime No.107 of 2019).

2.Kesavan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to call for the records culminating in the FIR in Crime No.107 of 2019, pending on the file of the 1st respondent, i.e., the Inspector of Police, Vengal Police Station, Thiruvallur District, quash the same.

For Petitioner : Mr.Ali Hassan Khan

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to call for the records culminating in the FIR in Crime No.107 of 2019, pending on the file of the 1st respondent, i.e., the Inspector of Police, Vengal Police Station, Thiruvallur District, quash the same.

2. On the complaint lodged by the Village Administrative Officer, Vilapakkam Village, Thiruvallur District, alleging that the Deputy Tahsildar, Revenue Inspector along with the defacto complainant while doing regular inspection, found that the accused persons have taken Savudu sand in three vehicles namely one JCB and two lorries, of which, two lorries are bearing registration Nos.TN-32Y-4824 and TN-01-AH-2209 and one in an unregistered JCB seized by them and handed over to first respondent. In respect of the same, the first respondent registered a case for offence under Sections 379, 430 of IPC r/w Section 21(1) of TNMMDR Act. It is very curious to note that

after taking possession of the vehicles allegedly, which were involved in the theft of Savudu Sand, the drivers escaped and as such, now the petitioner being the owner of the unregistered JCB and the owners of the two lorries are impleaded as accused in crime No.107 of 2019.

3. The learned Additional Public Prosecutor vehemently opposed that the petitioner is arrayed as one of the accused and he admitted that he is the owner of the vehicle, which is involved in the crime. Further he submitted that it is only the FIR and it cannot be quashed on its threshold since the investigation has to be done to find out the accused.

4. Even, according to the second respondent, the petitioner's vehicle was loaded with savudu sand and offences under the Mines and Minerals Act, would not attract as against the petitioner. Further, no one was identified by the second respondent, when the the vehicles were loaded with Savudu sand and three vehicles have been taken possession by the second respondent herein while inspecting along with the Deputy Tahsildar and Revenue Inspector. Therefore, the present complaint is nothing, but only for the purpose of statistical purposes, registered as against the petitioner and two others and the FIR cannot be sustained. Further, pendency of the FIR would not serve any purpose.

5. With the above observation, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

ub

To

1.The Inspector of Police,
Vengal Police Station,
Thiruvallur District,
Thiruvallur District.

2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9015 of 2020

AJS (CO)
GN(08/10/2020)