



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.5827 of 2020

and

Crl.M.P. (MD)No.3173 of 2020

WEB COPY

Venkatesha @ Venkatesan

... Petitioner/Accused No.2

Vs

1.The State Rep. through
The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
(In Crime No.114 of 2020)

...1st Respondent/Complainant

2.The Special Sub Inspector of Police, (2826),
Ammamet Police Station,
Thanjavur District.

...2nd Respondent/Defacto
Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to call for records pertain to the impugned FIR in Crime No.114 of 2020 on the file of the 1st respondent police and quash the same as illegal as against the petitioner alone.

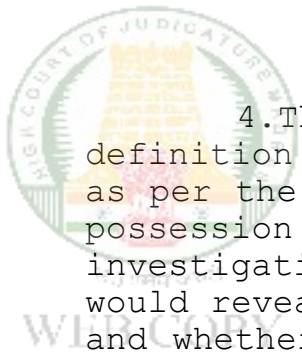
For Petitioner	:	Mr.T.Indrachithu
For Respondent	:	Mr.K.K.Ramakrishnan,
Nos.1&2		Additional Public Prosecutor

ORDER

This petition is filed to quash the proceedings in Crime No.114 of 2020 on the file of the 1st respondent police as against the petitioner alone.

2.The respondent Police has seized the vehicle bearing Registration No.TN 45 Y 6309 and arrested the driver with river sand. Based on the confession statement given by the Accused No.1/driver, a case was registered in Crime No.114 of 2020 for the offence under Section 379 of IPC and 21 (4) of Mines and Minerals Act. Based on the confession statement of the Accused No.1, this petitioner is arrayed as Accused No.2 as the owner of the vehicle bearing Registration No.TN 45 Y 6309.

3.The contention of the learned counsel appearing for the petitioner is that the RC book of the vehicle bearing Registration No. TN 45 Y 6309 stands in another person's name. However, he is in no way connected with the vehicle involved in the offence. Based on the confession statement recorded from the Accused No.1, the petitioner is also arrayed as one of the accused and therefore, the case registered as against the petitioner has to be quashed.



4.The learned Additional Public Prosecutor, by referring the definition for owner from the Motor Vehicles Act, would submit that as per the definition of the Motor Vehicles Act, a person who is in possession of a vehicle is the owner of the vehicle and the investigation is now at a crucial stage. Only the investigation would reveal that from whom the petitioner has purchased the vehicle and whether he has taken any steps to transfer RC Book in his name or not. At this stage if this petition is entertained, it would affect the course of investigation.

5.Considering the rival submissions and the limited ground raised by the petitioner that merely because his name does not find place in the RC Book, the FIR cannot be quashed at this stage and it is always open to the petitioner to renew this application after the final report is filed.

6.With the above observations, this criminal original petition is dismissed. Consequently, the connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg/dsk

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The State Rep. through
The Inspector of Police,
Ammamet Police Station,Thanjavur District.
- 2.The Special Sub Inspector of Police, (2826),
Ammamet Police Station,Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.5827 of 2020
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AP(18/06/2020) 2P 4C

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