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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17884 of 2021

and

CrI.M.P.No.9819 of 2021

Senji

... Petitioner/ Sole Accused

Versus

The State Represented by,
The Inspector of Police,
Dusi Police Station,
Thiruvanamali (Dist)

... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Cr.No.405 of 2021 pending on the file of the respondent police and quash the same.

For Petitioner : Mrs.V.Bagyalakshmi.

For Respondents: Mr.A.Damodharan,
Addl. Public Prosecutor.

ORDER

The petitioner, who is an accused in Crime No.405 of 2021, for the offences under Section 379, 430 and 511 IPC, has filed this quash application.

2. The learned counsel for the petitioner submitted that he is a small farmer and having one acre of land. He is not involved in any business of selling river sand. For the purpose of constructing temple, his JCB was used for carrying small quantity of sand. But, the respondent police has projected the same as though the petitioner is involved in illegal river sand mining. He further submitted that the case projected in the First Information Report by the respondent police is not true. The petitioner was asked to bring his JCB to the police station and thereafter, the vehicle has been shown as though it has been used for illegal transportation of river sand.



3. On the other hand, the learned Additional Public Prosecutor submitted that the petitioner herein used his JCB vehicle bearing registration No.TN 23 BY 9207 for mining of river sand from the river bank of village. On seeing the respondent police, the petitioner had left the JCB and ran away. Thereafter, the said vehicle with the sand seized and taken to the police station. He further submitted that the investigation is at the initial stage and the vehicle has been seized by way of Mahazar. The points raised by the petitioner are not sustainable on the facts of this case.

4. This Court considered the submissions made on either side and perused the materials available on records carefully.

5. Finding that the investigation has just now commenced and the case itself came to be registered only on 20.06.2021, only after completion of investigation, the contention of the petitioner can be ascertained. Moreover, the vehicle has been seized by way of Mahazar in the presence of witnesses and hence, the petitioner has to approach the appropriate Court seeking return of property. Hence, at this stage, this Court is not inclined to entertain the petition and the same is liable to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mrp/mdl

To

1.The Inspector of Police,
Dusi Police Station,
Thiruvanamali(Dist).

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.17884 of 2021
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NMI (CO)



SB (03/12/2021)

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