



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.18138 of 2021 and

CRL.M.P. (MD)No.9942 of 2021

WEB COPY

Ramachandran

... Petitioner / 3rd Accused

Vs.

1.The State rep. By,
The Inspector of Police,
Puthanatham police station,
Trichy District.
(Crime No.384 of 2020)

... Respondent / Complainant

2.Veeramani
S/o.Venkatasamy,
Village Administrative Officer,
Kannuthu,
Manapparai Taluk,
Tiruchirappalli District.

... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in connection with the impugned First Information Report in Crime No.384 of 2020 on the file of the first respondent police and quash the same in so far as the petitioner is concerned.

For Petitioner	: Mr.G.Thalaimutharasu
For R-1	: Mr.T.Senthil Kumar,
	Additional Public Prosecutor.

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2. The petitioner wants this Court to quash the impugned First Information Report as far as he is concerned. The case of the prosecution is that the defacto complainant, namely, the Village Administrative Officer of Kannuthu Village received an information that sand theft was taking place at Kannuthu Village. When he went to the spot, he found that by using Tipper lorry and JCB mentioned in the impugned First Information Report, sand theft was taking place. When the defacto complainant approached them, the driver of the Tipper lorry escaped. The driver of the JCB was secured and brought to the police station.



3. The specific allegation of the defacto complainant is that the petitioner enabled the removal of the Tipper lorry as well as the JCB from the spot and that only on the next day, the vehicles were handed over to the police.

4. I called upon the learned Additional Public Prosecutor to produce the seizure mahazar in respect of the vehicles. If the vehicles had been originally seized and if they were unlawfully released from the custody by the petitioner and thereafter they have been re-seized, certainly the petitioner cannot be spared. Today when the matter was taken up for hearing, the Inspector of Police, Puthanatham police station stated that the vehicles were handed over in the station itself and that they were not secured from any other place on the next day. There is absolutely no record to show that the petitioner released the vehicles from seizure and thereafter it was re-seized. The petitioner's counsel would state that since the arrest and seizure had taken place outside of the petitioner's house, the petitioner came out of the house and shouted at the officials to move away from the spot. Therefore, the local Village Administrative Officer had implicated the petitioner also in the impugned First Information Report. This version of the petitioner is quite probable. In the impugned First Information Report also, it has been mentioned that the Tipper lorry as well as the JCB got stuck near the house of the petitioner. It appears to be highly probable and finds echo in the First Information Report itself.

5. In these circumstances, implication of the petitioner in the First Information Report appears to be a response to his conduct and behaviour. The petitioner does not appear to have committed any illegal act. Therefore, the impugned First Information Report is quashed as far as the petitioner is concerned. This criminal original petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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 Inspector of Police,
Puthanatham police station,
Trichy District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-38775[F]
dated 15/12/2021)

Crl.O.P.(MD)No.18138 of 2021

13.12.2021

SAR(CO)

GC(22.12.2021) 3P 4C