



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9700 of 2022
and Crl.M.P.No.5691 of 2022

Karuppan

...Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Samalpatti Police Station,
Krishnagiri District.
(Crime No. 35 of 2022)

...Respondent/Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records and quash the First Information Report filed against the petitioner by the respondent in Crime No.35 of 2022 pending on the file of the Inspector of Police, Samalpatti Police Station, Krishnagiri.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking to call for the records relating to the Crime No.35 of 2022 on the file of the Inspector of Police, Samalpatti Police Station, Krishnagiri and quash the same.

2. Learned counsel for the petitioner would submit that the respondent police has suo moto registered a case in Crime No.35 of 2022 for offences under Section 379 and 431 of IPC. The allegation as per the complaint is that the accused/petitioner had illegally transported river sand by using a JCB bearing Registration Number TN-29-4784. He would further submit that the petitioner is the original owner of the JCB and since, the petitioner did not pay the dues properly, the financier TATA CAPITAL FINANCIAL SERVICE, Dharmapuri has seized the vehicle as early as during the year 2017 and thereafter, the vehicle had been sold in Public



Auction. Now, the petitioner has been unnecessarily framed in this case. Thereby, he would seek for quashing the proceedings in Crime No.35 of 2022.

3. Learned Additional Public Prosecutor would submit that based on the records available with the RTO office, the petitioner has been implicated as an accused in this case. Due investigation will be conducted with regard to ownership of the vehicle and appropriate action will be taken by the respondent police.

4. Heard the learned counsel and perused the materials available on record.

5. It is seen from the First Information Report that there are specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Therefore, it cannot be quashed on the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such, this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6. The petitioner has made specific case stating that the vehicle, which is involved in the crime, was seized by the Financier as early as during the year 2017 and it has also been re-sold by the Financier to someone else and the petitioner has been unnecessarily roped in this case. Taking into consideration the facts and submission made by the learned counsel, this Court is of the opinion that the respondent police may be directed to conduct the investigation with regard to the ownership of the vehicle.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No. 35 of 2022. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is also closed. Further, the respondent police is directed to conduct investigation with regard to the ownership of the vehicle in Crime No. 35 of 2022 and complete the investigation and file the final report as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar



To

1.The Inspector of Police,
Samalpatti Police Station,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Selvam, Advocate SR. No.29907

Cr1.O.P.No.9700 of 2022
and Cr1.M.P.No.5691 of 2022

RR (CO)
PR (16/05/2022)