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CrI.O.P.No.20976 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.20976 of 2021 and
CrI.M.P.No.11368 of 2021

Anandraj @ Anand

... Petitioner

/vs/

State Rep by
The Inspector of Police,
Thandrapet Police Station,
Thiruvannamalai District.
(Cr.No.2727 of 2020)

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the entire records pursuant to the Crime No.2727 of 2020 pending investigation on the file of the respondent police and quash the same in so far as the petitioner is concerned.

For Petitioner

... Mr.N.Chinnaraj

For Respondent

... Mr.A.Damodaran,
Addl. Public Prosecutor



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ORDER

WEB COPY This Criminal Original Petition has been filed to call for the entire records pursuant to the Crime No.2727 of 2020 pending investigation on the file of the respondent police and quash the same in so far as the petitioner is concerned.

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

3. The case of the prosecution is that at about 11.00 a.m. on 02.11.2020 when the police party went for patrolling on getting a secret information, a vehicle bearing Registration Number TN 72 R 3787, Ashok Leyland lorry came on the opposite side of the police party. On seeing the police, the driver-cum-owner of the lorry had abandoned the lorry, ran away and absconded. When the police party checked the vehicle, they found that it contained three units of river sand. When the accused was arrested and enquired, he told that his name was Anand. Since the accused had transported the sand without any proper license by stealing the same, a case has been registered in Crime No.2727 of 2020.



4. The learned counsel for the petitioner submitted that the petitioner is the first accused who is working under the second accused and also the owner of the vehicle and he has got nothing to do with the offence; just because he is working under the second accused, he has been implicated as an first accused without any material and hence the case against the petitioner should be quashed.

5. The learned Additional Public Prosecutor submitted that in the FIR itself the petitioner's name is seen and he is a named accused and in the enquiry, it is revealed that it is the petitioner who involved in transporting the sand without any license.

6. However, the fact remains that on the enquiry made by the police at the spot itself revealed that the person involved in the occurrence is one Anand who is the petitioner herein. It is not the case which does not disclose any material fact with regard to the involvement of the petitioner in the offence. Since there are sufficient materials available on record to register the case against the accused for the above said offence, I feel the



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investigation should be allowed to go.

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7. In the result, this Criminal Original Petition is dismissed and the respondent police is directed to complete the investigation and file a final report within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

06.12.2022

Index: Yes/No

Internet: Yes/No

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To

1.The Inspector of Police,
Thandrampet Police Station,
Thiruvannamalai District.

2.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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