



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.2193 of 2022
and
CRL.M.P (MD) No.1612 of 2022

M.Neethidevan ... Petitioner/ Accused No.2
Vs

1.The State Rep. by
The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.
(In Crime No.5 of 2022) ... 1st Respondent/ Complainant

2.Sudha,
Village Administrative Officer,
Alavilampatti Group,
Karaikudi Taluk,
Sivagangai District. ...2nd Respondent/ Defacto Complainant

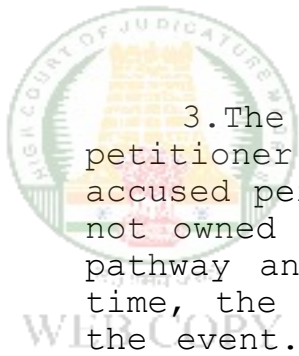
PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to Crime No.5 of 2022 dated 03.01.2022 on the file of the Inspector of Police, Madagupatti Police Station, Sivagangai District and quash the same insofar as the petitioner is concerned/Accused No.2

For Petitioner : Mr.B.Santhanam Rajesh Kumar
For Respondents : Mr.B.Thanga Aravindh
Govt. Advocate (Crl. Side)

O R D E R

This petition has been filed to quash the FIR in Crime No.5 of 2022 registered on the file of the first respondent for the offences under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957.

2.The case of the prosecution is that the petitioner's lorry bearing registration No.TN65 D 1013 is alleged to have involved in the theft of gravel sand, which alleged to have caught by the defacto complainant, when it got stuck in muddy pathway while carrying the gravel sand without proper permit.



3.The learned counsel for the petitioner submitted that the petitioner is an advocate, who appeared on behalf of the other accused persons. The lorry bearing registration No.TN 65 D 1013 is not owned by the petitioner. The said tipper lorry stuck on muddy pathway and the same was recovering by using a JCB. During that time, the first respondent, who happens to cross the place noticed the event. Utilizing the said circumstance, the first respondent demanded bribe and when it was refused by the owner of the vehicle, the impugned FIR has been registered.

4.The learned Government Advocate (Crl. Side) submitted that after investigation, final report was filed on 09.02.2022 before the learned Judicial Magistrate No.I, Sivagangai and it is yet to be taken on file.

5.On a perusal of the documents revealed that the tipper lorry is owned by one Muniyasamy. In pursuant registration of the impugned FIR, all the vehicles were seized and produced before the concerned Court. While pending investigation, the original owner of the vehicle filed a petition under Sections 451 and 457 of CrPC for return of the said vehicle. By order dated 28.01.2022, the learned Principal Sessions Judge, Sivagangai allowed the petition and granted interim custody of the vehicles on certain conditions. Even assuming that the petitioner is the owner of the said lorry, he is only the owner of the vehicle and he was not at all present in the scene of occurrence.

6.In view of the above, the criminal original petition is allowed and Crime No.5 of 2022 on the file of the first respondent is quashed only as far as the petitioner is concerned. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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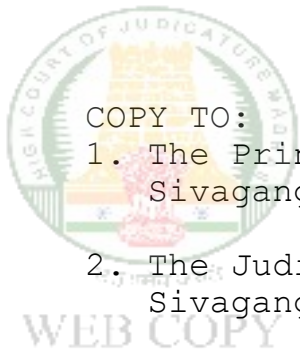
/ /2022

Sub Assistant Registrar (CS)

To

1.The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.

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



COPY TO:

1. The Principal Sessions Judge,
Sivagangai.
2. The Judicial Magistrate No.I,
Sivagangai.

Order made in
CRL.O.P (MD) No.2193 of 2022
17.03.2022

ias
MS/01.04.2022/3P.5C