



Crl.O.P.No.9961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.No.9961 of 2023

and

Crl.M.P.No.6582 of 2023

V.Arumugam

... Petitioner

Vs.

1. State Rep By:-

The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur – 641 602.
Crime No.511 of 2022.

2. A.Vijay Anand

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the Crime No.511 of 2022 on the file of the Inspector of Police, Tiruppur Central Police Station, Tiruppur and quash the same.

For Petitioner : Mr.D.Vijaya Babu
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking direction to call for the records relating to the Crime No.511 of 2022 on the file of the Inspector of Police, Tiruppur Central Police Station, Tiruppur and quash the



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2. The learned counsel for the petitioner submitted that, on 17.12.2022, 1st respondent police registered the FIR against the petitioner and other accused persons for the offences under Sections 381, 120(B), 408, 109 and 201 of IPC in Crime No.511 of 2022, based on the complaint given by the 2nd respondent/ defacto complainant Vijay Anand. He further submitted that, in the FIR, Column No.3., Occurrence of offences from 04.04.2022 to 28.07.2022 stated by the 1st respondent police and also he 2nd respondent/defacto complainant. But the 2nd respondent lodged the criminal complaint on 17.12.2022. He further submitted that, there is an inordinate delay of about 142 days in preferring the complaint. A1 is the employer of the defacto complainant and A2 is not an employer of the defacto complainant and hence offence under Section 381 of IPC does not made out against the petitioner herein. In support of his submission, the learned counsel for the petitioner relied on the judgement of the Hon'ble Supreme Court of India in Crl.A.No.1500 of 2010 in Kishan Singh (D) through L.Rs Vs. Gurpal Singh & Others.

3. The learned Government Advocate (Crl. Side) submitted that,



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defacto complainant is the owner of the goods, while of the 1st accused is the agent manager appointed by the defacto complainant. A2 has taken the goods from the custody of A1 and sold it for lower price without the knowledge of the defacto complainant. When it came to light, there arose a conspiracy between defacto complainant and the accused persons. He further submitted that the matter needs to be investigated furthers.

4. After hearing both the parties and also perusing the type set of papers, it is seen that the 1st respondent registered the FIR on 17.12.2022. On 13.02.2023, after a period of 59 days, 1st respondent police came to the premises of A2 and seized 5000 kgs of second surplus garments. It is seen that, case has been registered on 17.12.2022, however, the alleged incidents are said to have happened during 04.04.2022 to 28.07.2022. The judgements relied by the learned counsel for the petitioner are a matter for trial and the same cannot be considered at this stage. The averments and the allegations made in the petition are subject matter of the investigation and if the Investigation Officer finds some of the offences mentioned in the FIR has not made out as against the petitioner, he is at liberty to delete those offence and proceed the case in accordance with law.



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5. Accordingly, this Criminal Original Petition is dismissed.

05.06.2023

Internet: Yes
Index: Yes/No
Sma

To:

1. The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur – 641 602.

2. The Public Prosecutor,
High Court of Madras.



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RMT.TEEKAA RAMAN,J.

sma

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