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Crl.O.P.Nos.14165 & 14172 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.Nos.14165 & 14172 of 2023

and

Crl.M.P.Nos.8776 & 8796 of 2023

R.Silambarasan

... Petitioners in both Crl.O.P's

Vs.

1. State rep by,
The Inspector of Police,
Kannakurichi Police Station,
Salem District.

2. Balaji ... Respondents in Crl.O.P.No.14165 of 2023

1. State rep by,
The Inspector of Police,
Kannakurichi Police Station,
Salem District.

2. Rajendran ... Respondents in Crl.O.P.No.14172 of 2023

PRAYER in Crl.O.P.No.14165 of 2023: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to a case in Crime No.152 of 2023 on the file of 1st respondent and quash the same.



Crl.O.P.Nos.14165 & 14172 of 2023

For Petitioner : Mr.N.M.Rajasimman
For R1 : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

These Criminal Original Petitions have been filed to call for the records pertaining to a case in Crime No.152 of 2023 & Crime No.218 of 2023 on the file of 1st respondent and quash the same.

2. The learned counsel for the petitioner submitted that, FIR in Crime No.152 of 2023 was registered against the petitioner for the offence under Section 381 of IPC alleging theft of Rs.31,000/- on the complaint given by one Baljai. Subsequently, Balaji's father Rajendran gave a complaint alleging theft of petrol and diesel. Based on this complaint, FIR in Crime No.218 of 2023 was registered for the offences under Sections 381 and 506(ii) of IPC. He further submitted that, only to harass the petitioner, both the complaints were given and on that basis, FIRs are registered. Therefore, petitioner filed the present petitions for quashing both the FIR's.

3. The learned Government Advocate (Crl. Side) submitted that, investigation in both the cases are pending.



Crl.O.P.Nos.14165 & 14172 of 2023

4. It is seen from the FIR allegations in Crime No.152 of 2023 that, defacto complainant was working as a Pump Boy in BPCL Petrol Bank situated at K.K.Nagar, Yercaud Main Road. On 19.02.2023, one Silambarasan had stolen a sum of Rs.31,000/- from the office room of the defacto complainant. It was captured in the C.C.T.V camera. After stealing the money, petitioner had not reported to duty. Therefore, complaint was given and on that basis, FIR in Crime No.152 of 2023 was registered for the offence under Section 381 of IPC and investigation is pending.

5. It is alleged in the FIR in Crime No.218 of 2023 registered on the basis of the complaint given by Rajendran that, after stealing a sum of Rs.31,000/- from the petrol bunk, petitioner had stopped coming to the work. It is averred that, normally there would be a shortage of 350 litres of petrol in a month and there would be no shortage of Diesel. During June 1st to 15th of 2021, there was a shortage of 20 to 30 litres of petrol everyday. When that was enquired, petitioner reported that, there was some problem in the metering unit. Therefore, it was informed to the Bharat Petroleum Industry and they changed the metering unit. Even thereafter, there was shortage of petrol. After petitioner stopped coming to work, there was no shortage of petrol, When that was enquired, employees of the BPCL Petrol Bank namely



Crl.O.P.Nos.14165 & 14172 of 2023

Poomalai, Ramarajan had informed that, petitioner used to steal the petrol during the midnight hours and he threatened them that, if they inform it to the owner, he would kill them. Therefore, they did not report the theft of the diesel by the Silambarasan to the Owner. On estimate, it was found that, 900 litres of petrol and 400 litres of diesel worth about Rs. 1,40,000/- were stolen by the petitioner. Therefore, complaint was given by Rajendran and on the basis of the complaint, FIR was registered in Crime No.218 of 2023 under Sections 381 & 506(ii) of IPC.

6. Thus, FIR allegations in both the cases show that, commission of cognizable offences by the petitioner is made out. One is connected with the theft of Rs.31,000/- and other case is connected with the theft of 900 liter of petrol and 400 liter of diesel worth about Rs. 1,40,000/- . Therefore, the submission of the learned counsel for the petitioner that, for the same offence, two FIRs are registered is not correct. From the allegations made in both the cases, commission of cognizable offences is made out and they are required to be investigated by the Investigation Officer. Therefore, this Court is not inclined to quash the FIRs in Crime No. 152 of 2023 and Crime No.218 of 2023.



Crl.O.P.Nos.14165 & 14172 of 2023

WEB COPY

7. Accordingly, both the criminal original petitions are dismissed.

Consequently, connected miscellaneous petitions are closed.

26.06.2023

Internet: Yes

Index: Yes/No

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To:

1. The Inspector of Police,
Kannakurichi Police Station,
Salem District.
2. The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.O.P. Nos.14165 & 14172 of 2023

G.CHANDRASEKHARAN, J.
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Crl.O.P. Nos.14165 & 14172 of 2023

26.06.2023