



Crl.O.P(MD)No.13751 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:02.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P(MD) No.13751 of 2023

and

Crl.M.P(MD)No.10744 of 2023

Ananth

... Petitioner

Vs

1.State rep. by

The Inspector fo Police,
Vijayanarayanam Police Station,
Tirunelveli District.
(Crime No.47 of 2023)

... 1st respondent/complainant

2.Isravel

... 2nd respondent/De-facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the proceedings in Crime No.47 of 2023, on the file of the first respondent and quash the same.

For Petitioner : Mr.M.M.Manivelpandian

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed seeking for quashment of the FIR registered against the petitioner in Cr.No.47 of 2023 for the offences under Sections 468, 469, 470 and 420 of IPC.

2. According to the petitioner, he has been the owner of the two vehicles bearing Registration No.TN-74-BB-9163 and TN-74-BB-8467 and he has leased out the said vehicles to one Selvin, who has been running Sumi Trans. It is also submitted that according to the respondent police, the driver of these two vehicles allegedly given the fake passes as if the mines department has given them. On a complaint given by the owner of the quarry, the second respondent police has registered a case against the petitioner. The petitioner submits that he being the owner is no way connected with the offence committed by the driver of his vehicle.

3. The learned Additional Public Prosecutor appearing for the respondents submitted that the investigation is in progress and within three weeks they are going to complete the investigation as 8 witnesses were already examined and the forged pass has been sent to the department of mines for the remarks.



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4. The issues raised by the petitioner that he is innocent and whether the drivers are involved or whether the Selvin is involved are the question to be investigated by the respondent police.

5. Considering the serious issues involved in this case and that the investigation has almost reached the finality, at the stage, basing on the FIR alone, on the strength of the grounds alleged by the petitioner, the FIR registered against the petitioner cannot be quashed. However, the petitioner is at liberty to approach the respondent police and produce all the relevant documents, if any, to establish that he has given the two vehicles to one Selvin on lease, can make an attempt to prove that he is innocent. The petitioner is permitted to approach the respondent police either in person or through representative of legal counsel, on such appearance, the respondents police are directed to consider the representation.

6. With the above observation, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

NCC:yes/no
Index:yes/no
Internet:yes/no

02.08.2023



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To

- 1.The Inspector fo Police,
Vijayanarayanam Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN, J.

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