



CrI.O.P.(MD) No.12856 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.12856 of 2023

and

CrI.M.P.(MD) Nos.10059 and 10060 of 2023

Veeramani

... Petitioner

Vs.

**1.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.
Crime No.102 of 2023**

2.Suresh Babu

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the charge sheet CC.No.828 of 2023 pending on the file of the learned Judicial Magistrate No.4, Tirunelveli and quash the same as against the petitioner.

For Petitioner	: Mr.G.Karuppasamy Pandiyan
For R1	: Mr.E.Antony Sahaya Prabahar
	Additional Public Prosecutor



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ORDER

This petition is filed seeking quashment of the charge sheet in CC.No.828 of 2023 pending on the file of the learned Judicial Magistrate No.4, Tirunelveli, which was registered against the petitioner for the offence punishable under Sections 379 and 411 IPC and Section 11 of Tamil Nadu Scrap Merchants and Dealers in Second Hand Property and Owners of Automobile Workshops and Tinker Shops (Regulation, Control and Licensing) Act, 1985.

2.It is submitted by the learned counsel for the petitioner that a case has been falsely foisted against the petitioner basing on the confessional statement of the accused No.1, who is the habitual offender.

3.The learned Additional Public Prosecutor on the other hand submits that the milk analyzing machine, which was kept in a bus-stand was stolen by the accused No.1 and has sold it to the petitioner, who does the scrap business and on the strength of a recovery panchanama recorded in the presence of the two independent mediators, the stolen property was recovered from the petitioner. Whether the petitioner is a receiver of the stolen property and whether the



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recovery panchanama can be believed or not are the subject matters of the trial Court. The petitioner is at liberty to raise all the issues before the trial Court. When there are serious allegations made against the petitioner including the recovered stolen property from the possession of the petitioner, the charge sheet against the petitioner cannot be quashed.

4. Accordingly, this Petition is dismissed at this stage. The learned Judicial Magistrate No.4, Tirunelveli is directed to dispose of CC.No.828 of 2023 as expeditiously as possible, but not later than 6 months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

18.07.2023

To

1. The Judicial Magistrate No.4,
Tirunelveli.
2. The Inspector of Police,
Tirunelveli Junction Police Station, Tirunelveli District.

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



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DR.D.NAGARJUN. J.

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