



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.6638 of 2024
and CRL.M.P No.4955 of 2024

V.Balaji

...Petitioner

Vs.

The State rep. by
Deputy Superintendent of Police,
CSCID – Chennai North,
Chennai.
(Crime No.174 of 2023)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.174 of 2023 (on the file of the learned Judicial Magistrate, Tiruvallur) and quash the same.

For Petitioner : Mr.G.Ashokkumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to quash the FIR in Crime No.174 of 2023, pending investigation on the file of the respondent.



WEB COPY

2.The case of the petitioner is that he had rented the premises to one Sakthivel based on a Rental Agreement dated 01.01.2021. The tenant was running the business and during inspection, eight barrels of industrial oil were seized and it was found that the same was kept in stock without proper license.

3.The name of the petitioner has not been shown as an accused in this case. The petitioner apprehended that he will be arrested by the respondent police, since three other accused persons in this case were arrested and later enlarged on bail. The apprehension was due to the fact that the petitioner is the owner of the property and he had entered into a Rental Agreement with the tenant who is an accused in this case.

4.The learned Additional Public Prosecutor on instructions submitted that till date no alteration report has been filed before the Court by adding the name of the petitioner as an accused. The learned Additional Public Prosecutor further submitted that the investigation is going on and no decision has been taken till date to make the petitioner as an accused in this case.

5.In the light of the above submission, the respondent police is directed to issue notice under Section 41A of Cr.P.C., to the petitioner and record the statement of the petitioner and collect the relevant materials from the petitioner. Ultimately, if



no materials are available against the petitioner, the petitioner can be made as a witness in this case. However, if any incriminating materials are collected, it is left open to the respondent police to add the petitioner as an accused. Till such an occasion arises, there is no question of quashing the FIR.

6.This criminal original petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

20.03.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr

To

- 1.The Judicial Magistrate, Tiruvallur.
- 2.The Deputy Superintendent of Police,
CSCID – Chennai North,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



N.ANAND VENKATESH, J

SSR

CRL.O.P No.6638 of 2024
and CRL.M.P No.4955 of 2024

20.03.2024