



Crl.O.P.No.8540 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8540 of 2022

and

Crl.M.P.Nos.4982 of 2022 & 1955 of 2024

1. K.Sampath
2. Dr.Vilvam

... Petitioners

Versus

1. State of Tamil Nadu,
rep. by Inspector of Police,
C-7, Pappireddipatti Police Station,
Bommidi Main Road,
Pappireddipatti, Dharmapuri-636 905.
2. Deputy Superintendent of Police,
Harur Sub-Division,
Harur, Dharmapuri.
3. Deputy Superintendent of Police,
District Crime Branch,
Near AR Quarters,
Vennampatti, Dharmapuri.

... Respondents



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PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in respect of alleged complaints referred in the Notices dated 29.03.2022 issued by the 1st respondent and quash the same as against the petitioners herein.

For Petitioners : Mr.Prakash Goklaney
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the notices dated 29.03.2022 issued by the 1st respondent police.

2. Heard both sides.

3. The learned counsel for petitioners would submit that 1st petitioner is partner of M/s.Sampath Agencies, a dealer of Bharat Petroleum Corporation Ltd. and he is having petroleum retail outlet at Pappireddipatti Town. The 2nd petitioner is brother of 1st petitioner, who



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is working as an Assistant Director at Animals Husbandry, Government of Tamil Nadu, Harur, Dharmapuri. According to the petitioners, the 1st petitioner lodged a complaint against their former Manager A.Arputham, wife of Krishnan and others to the Superintendent of Police, Dharmapuri on 12.10.2021. After that, without making any progress in the complaint, they were called upon to the office of 3rd respondent police based on the complaint given by one Gandhi and others and they were forced to appear and they were interrogated. Subsequently, they were served on with a notice under Sec.91 of Cr.P.C. without serving copies of the alleged complaint as if they have violated certain provision of law. Accordingly, they have filed this petition praying to quash the notices issued to the petitioners.

4. Today, when the matter taken up for hearing, learned Government Advocate (Crl. Side) appearing for respondents would submit that the alleged complainant Gandhi gave a letter to the police that as the investigation is pending before the District Crime Branch, the 1st respondent Pappireddipatti Police not conducted any investigation and



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it is a dispute in respect of money transaction, he gave a consent not to proceed with the complaint. Accordingly, the said complaint was closed. So, as on date, against the petitioners, no complaint is pending at Pappireddipatti Police Station. Hence, the notices issued against them is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the notices dated 29.03.2022 issued by the 1st respondent is quashed. Consequently, connected Criminal Miscellaneous Petition in Crl.M.P.No. 4982 of 2022 is closed.

5. So far as another Criminal Miscellaneous Petition in Crl.M.P.No. 1955 of 2024 is concerned, it has been filed seeking a direction directing the respondents to return the following documents, which were given by them to the respondents police during investigation:-

- (1) Manager Cash Book
- (2) Manager rough work note
- (3) Loan ledgers
- (4) Office cash books
- (5) Bank statements



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By way of reply, learned Government Advocate (Crl. Side) would submit that no such ledgers and cash books was available with them. Moreover, all those documents are subject to business transaction of petitioners. If at all, those documents are available with the respondents police, they are directed to hand over the same to the petitioners by receiving undertaking letter. Accordingly, this Criminal Miscellaneous Petition is allowed.

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Index: Yes/No
Internet: Yes/No
rpp

To

1. Inspector of Police,
C-7, Pappireddipatti Police Station,
Bommidi Main Road,
Pappireddipatti, Dharmapuri-636 905.
2. Deputy Superintendent of Police,
Harur Sub-Division, Harur, Dharmapuri.
3. Deputy Superintendent of Police,
District Crime Branch,
Near AR Quarters, Vennampatti, Dharmapuri.
4. The Public Prosecutor, High Court, Madras.



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