



WEB COPY



CrI.O.P.No.13433 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.13433 of 2024

and

CrI.M.P.No.8140 of 2024

V.Muruganantham

... Petitioner

Vs.

1.The Inspector of Police,
DCB Police Station,
Thiruvallur District.

2.TAS Industries,
Rep.by its Proprietor
Mr.S.Thimothy
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records in Crime No.42 of 2022 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.Pradeep Jayaraman

For R1 : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER

The petitioner herein is a suspected accused in Crime No.42 of 2022, which is under investigation by the respondent police based on the complaint given by one Timothy on 27.05.2022.

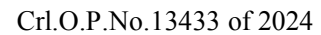


2. According to the FIR, after placing order for notebooks worth about Rs.59 lakhs, the consignment was shifted to TANZANIA. As per the indent, the consignee has failed to take delivery of the goods at the port of TANZANIA and by deceit, took the goods in auction and thereby enriched illegally.

3. The petitioner herein contending that a civil transaction wherein the petitioner is only an employee and the person who placed the order and furthermore, goods were cleared in auction conducted by the TANZANIA customs department and therefore, there cannot be any criminal investigation in India pertaining to civil transaction of sale of goods.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the MOP adopted as alleged in the complaint found to be true. The ingredient for offence of breach of trust, deception and inception gets attracted. For the said purpose the cooperation of the petitioner is very much necessary and this is not a case of pure civil in nature, but appears to be a design conceived by the accused person to deceive an entrepreneur.

5. Since the investigation is at very nascent stage, the



10.06.2024

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
DCB Police Station,
Thiruvallur District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

rpl



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