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Crl.O.P.No.7769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.O.P.No.7769 of 2024
and Crl.M.P.No.5686 of 2024**

Manohar Devram Padekar

... Petitioner

Vs.

1. State Rep. by
The Inspector of Police,
M-4, Red Hills Police Station,
Thiruvallur District.
Crime No.1257 of 2023.

2. Senthil Ganesan

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records in connection with Crime No.1257 of 2023 pending on the file of the Inspector of Police, M-4 Red Hills Police Station, Red Hills, Chennai and quash the same.

For Petitioner : Mr.S.Ashok Kumar

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side) for R1



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ORDER

This petition has been filed seeking to quash the proceedings in Crime No.1257 of 2023 pending on the file of the Inspector of Police, M-4 Red Hills Police Station, Red Hills, Chennai.

2. It is the case of the prosecution the de facto complainant is running a business in the name and style of TTE Technology Indian Private Limited having its head office at Mumbai has engaged the service of the petitioner who is also running a business in the name and style of Blue Line Logistics and Warehousing LLP having its head office at Mumbai. The de facto complainant has entered into an MOU with the Blue Line Logistics and Warehousing LLP to keep the electronic products in the warehouse for which a monthly rent was fixed. The allegation of the de facto complainant's company is that the products belonging to the defacto complainant were being sold in Mumbai. Based on which, they came to inspect the premises of Blue Line Logistics for which the Blue Line Logistics have refused and thereafter the lorry bearing Regn.No.MH 04 LE 1887 has been apprehended by the defacto complainant and have seized the lorry along



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with the electronic goods kept in the container. Based on a complaint, the container lorry was seized by the respondent Police and the Manager of the Warehouse and the Driver of the lorry were arrested on 03.12.2023. While so, the respondent police had registered a case against the petitioner and two others. Challenging the same, the present petition has been filed.

3. The learned counsel for the petitioner submits that though the criminal case has been put against the petitioner, however no cognizable offence has been made out against the petitioner. Hence, he prayed this Court, to permit the petitioner to produce all the necessary documents with regard to the ownership of the subject materials before the Law Enforcing Agency enabling the petitioner to disprove the contents of the complaint and thereafter, the Law Enforcing Agency may be directed to conclude the same by referring the matter as mistake of fact subject to the cognizability of the offence.

4. The learned Government Advocate (Crl.side) appearing for the first respondent Police submits that there are materials available to proceed with



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the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

6. On a reading of FIR, there appears to be some materials for the investigation to proceed. It is also seen that the issue involved in the present case is civil in nature. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in ***State of Haryana and others vs. Bhajan Lal and others*** reported in ***1992 Supp (1) SCC 335***.

7. Accordingly, this Criminal Original Petition stands dismissed. However, liberty is granted to the petitioner to produce all the requisite documents to prove the ownership of the materials before the Law Enforcing Agency and the Law Enforcing Agency may refer the matter as



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mistake of fact subject to the cognizability of the offence. Consequently,
connected miscellaneous petition is closed.

01.04.2024

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Inspector of Police,
M-4, Red Hills Police Station,
Thiruvallur District.
Crime No.1257 of 2023.

2.The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI,J.
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