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Crl.O.P.(MD)No.21318 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21318 of 2024

and

Crl.M.P.(MD)No.13228 of 2024

1.N.S.Thayalan

2.P.Alagesan

3.S.Vengadesan

... Petitioners

Vs.

1.The State of Tamil Nadu, Rep. by

The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.455 of 2024)

2.P.Sasikumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the F.I.R. in Crime No.455 of 2024, on the file of the Thenkarai Police Station, Theni District and quash the same as illegal and devoid of merits.

For Petitioners : Mr.B.Chakkaravarthi



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Crl.O.P.(MD)No.21318 of 2024

For R1 : Mr.P.Kottaichamy
Government Advocate
(Criminal side)

For R2 : Mr.C.Jeganathan

ORDER

The petitioners, who are arrayed as A1 to A3 in Crime No.455 of 2024 for the offences under Sections 417, 465, 467, 420, 120B and 379 of I.P.C., have filed the quash application.

2. The learned counsel for the petitioners contended that the petitioners and the second respondent / de-facto complainant are known to each other. The de-facto complainant was an employee of Neo Max Company, and two Tempo Travellers, bearing Registration Nos.TN-60-AE-8507 and TN-57-AQ-9038, were deceitfully sold to one Babu. The petitioners questioned this transaction, and hence, a false complaint was filed against them.

3. According to the petitioners, they had already agreed upon a price for the vehicles and had made substantial payments. However, the de-facto complainant, concealing this information, sold the vehicles to



Crl.O.P.(MD)No.21318 of 2024

Babu. The petitioners then raised the issue, and now it is being alleged that they committed theft and forged documents. The petitioners have supporting evidence to show that they made substantial payments before the said Babu had paid the amount to the de-facto complainant.

4. The learned Government Advocate (Criminal side) submitted that the petitioners, who are involved in the real estate business, forced the de-facto complainant to give them the two vehicles due to a money dispute. When the de-facto complainant was unwilling to settle the matter forcibly, he sold the vehicles to Babu. Coming to know about the same, the petitioners used force and had taken away the vehicles of the de-facto complainant and created forged documents to claim ownership. The vehicles were seized, and the documents were collected and investigation is in progress.

5. The case was registered on 11.10.2024, and the respondent Police are aware of the petitioners' contentions. The investigation will continue, and if the petitioners' claims are proven, appropriate action will be taken.



Crl.O.P.(MD)No.21318 of 2024

WEB COPY

6. Recording the above submission, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

05.12.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Inspector of Police,
Thenkarai Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.21318 of 2024

M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.21318 of 2024

Dated: 05.12.2024