



Crl.O.P.No.5388 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5388 of 2025
and Crl.M.P.Nos.3492 and 3493 of 2025

Velusamy

... Petitioner

Vs.

1. The State Rep. by
The Sub-Inspector of Police,
Komarapalayam P.S.,
Namakkal District.

2. P. Vijay

... Respondents

PRAYER: The Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the charge sheet in C.C.No.91 of 2024 on the file of the Judicial Magistrate, Kumarapalayam.

For Petitioner : Mr.K.V.Muthu Visakan

For Respondent : Mr.A.Gopinath
No.1 Government Advocate (Crl.Side)

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ORDER

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This petition has been filed to quash the charge sheet in C.C.No.91 of 2024 on the file of the Judicial Magistrate Court, Kumarapalayam.

2. The case of the prosecution is that A1 who is the driver of the tipper lorry bearing Regn.No.TN-34-S-9343 alleged to have attempted to steal the stones in a private quarry named Kongu Developers LLB.

3. The learned Counsel appearing for the petitioner submits that the petitioner being the owner of the tipper lorry, there is no specific allegations as against the petitioner to attract the offence under Sections 379 and 511 of IPC.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police reiterated the prosecution case and submits that the petitioner along with his lorry driver are attempted to steal the stones. Further, the driver of the lorry is arrayed as A1 and the petitioner/owner of the lorry is arrayed as A2. He further submits that now the driver of the lorry is no more.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (CrI.Side) appearing for the respondent police and perused the materials available on record.

6. A perusal of records reveals that now the driver of the lorry is



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no more. The petitioner being the owner of the lorry is no way connected with the alleged occurrence. Though the offence is made out as against the petitioner, there is absolutely no material evidence to attract the offence under Section 379 and 511 of IPC except he owned the Tipper lorry bearing Regn.No.TN-34-S-9353. Admittedly, the petitioner was not present in the occurrence place.

7. In view of the above, this Court finds that the entire proceedings initiated as against the petitioner under Sections 379 and 511 of IPC, cannot be sustained and liable to be quashed.

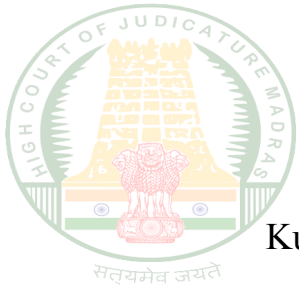
8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in C.C.No.91 of 2024 on the file of the Judicial Magistrate Kumarapalayam is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

26.02.2025

Vv

To

1. The Judicial Magistrate,



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Kumarapalayam

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2. The Sub-Inspector of Police,
Kumarapalayam P.S.,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.
Vv

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