



Crl.O.P.(MD)No.1585 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.1585 of 2025

and

Crl.M.P(MD)No.1089 of 2025

Sindhu

.. Petitioner

Vs.

1. The Inspector of Police
Thisayanvilai Police Station
Tirunelveli District

2. Thanasekaran
Sub Inspector of Police
Thisayanvilai Police Station
Tirunelveli District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the CC.No.35 of 2025 on the file of the District Munsif cum Judicial Magistrate Court, Radhapuram and quash the same as against the petitioner

(amended as per the order of the Court made in Crl.M.P(MD) No.2014 of 2025)

For Petitioners	: Mr.R.Anand for Mr.M.Maharaja
For Respondents No. 1 and 2	: Mr.M.Sakthi Kumar Government Advocate(Crl.Side)



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C. No.35 of 2025 on the file of the District Munsif cum Judicial Magistrate Court, Radhapuram.

2. The case of the prosecution is that when the defacto complainant was on duty on 06.09.2023 at about 11.30 hrs one Madasamy, S/o. Vellaipandi had transported blue metal stones in a lorry bearing Reg. No. TN 72 BP 5494. When he enquired about the same he stated that he took the above blue metal from unused tar plant and thereby committed theft for which a case has been registered in Crime No.396 of 2023 for the offence under Section 379 of IPC. The respondent police thereafter conducted detailed investigation and filed final report and the same was taken on file C.C.No.35 of 2025. The police included this petitioner as one of the accused based on the confession given by one Madasamy, since the petitioner is the owner of the vehicle and he now challenged the said Charge sheet.



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3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint against the first accused before the first respondent and thereby a case has been registered in Crime No.396 of 2023 for the offence under Section 379 of IPC and now investigation has been completed and final report has been filed before the concerned Court.. No such occurrence happened as alleged by the prosecution. This petitioner was not arrayed as an accused in the First Information Report. However they summoned the petitioner then only she came to know that she was arrayed as one of the accused in this case. Since the vehicle stands in the name of the petitioner the respondent police has implicated this petitioner as one of the accused. The petitioner being a house wife has no knowledge about the occurrence and there are no materials available to proceed as against the petitioner and further the petitioner is a Government contractor and the above said crushed stone belongs to the petitioner and she along with other partners stored the materials for the purpose of roadwork, where the driver of the petitioner has transported the same. Even according to the case of prosecution there is no ingredients as against the petitioner to constitute the offence of theft, therefore the pending charge is liable to be quashed.



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4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that when the defacto complainant was on duty on 06.09.2023 at about 11.30 hrs one Madasamy, S/o. Vellaipandi had transported blue metal stones in a lorry bearing Reg. No. TN 72 BP 5494. When he enquired about the same he stated that he took the above blue metal stones from unused tar plant and thereby committed theft for which a case has been registered in Crime No.396 of 2023 for the offence under Section 379 of IPC. The respondent police thereafter conducted detailed investigation and filed final report and the same was taken on file C.C.No. 35 of 2025. The police included this petitioner as one of the accused based on the confession given by one Madasamy. Now the case is under trial and hence the petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. In this case the respondent police has registered a case against one Madasamy for the offence under Section 379 of IPC for transporting crushed stones in a lorry. There is no complaint lodged by anybody. Even



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according to the case of prosecution the First Information Report has been registered only for transporting the crushed stones. To attract the offence under Section 379 of IPC, there is no any evidence to show that the crushed stones belongs to the Government. Whiles, no complaint was given by the owner of the said metals. Merely because the accused/driver transported crushed stone the offence under Section 379 of IPC would not attract. In order to attract the offence of theft no any materials to prove the ingredients. The respondents could have taken appropriate steps under Mines and Minerals (Development and Regulation) Act, 1957 in the manner known to law. Further this petitioner was arrayed as an accused based on the confession give by the co- accused and that too to the effect that the lorry belongs to the petitioner. Only because the vehicle belongs to the petitioner she cannot be roped as an accused for the offence under Section 379 of IPC. There are no materials available to proceed with the case as against the petitioner, thereby the pending charge sheet is liable to be quashed.

7. Accordingly this Criminal Original Petition stands allowed and the proceedings in C.C. No.35 of 2025 on the file of the District Munsif cum Judicial Magistrate Court, Radhapuram is hereby quashed as against



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the petitioner. Consequently connected miscellaneous petition stands closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The District Munsif cum Judicial Magistrate Court, Radhapuram
2. The Inspector of Police
Thisayanvilai Police Station
Tirunelveli District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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