



Crl.O.P.(MD) No. 1888 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

**Crl.O.P(MD)No.1888 of 2025
and Crl.M.P(MD) No.1297 of 2025**

Prakash

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by the Inspector of Police,
Aundipatti Police Station,
Theni District.
Crime No.430/2024,

2. Meenatchi

...Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, call for the records relating to FIR in Crime No. 430 of 2024 dated 20.10.2024 on the file of the 1st respondent police quash the same as against the petitioner / Sole Accused is concern.

For Petitioner : Mr.P.T.Ramesh Raja
for Mr.C.Susikumar

For Respondent :

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. Side)



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ORDER

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This criminal original petition has been filed by the petitioner to quash the F.I.R in Crime no.430 of 2024 dated 20.10.2024 on the file of the first respondent police.

2. According to the petitioner, he is the owner of the lorry bearing registration no. TN-63-P-5151 and the same was purchased from one Balamurugan through a sale agreement for the tune of Rs.65,00,000/-. The defacto complainant's son and the petitioner were friends. After the demise of defacto complainant's son, he lodged a complaint alleging that the lorry belongs to his son and he had been entrusted the lorry to the petitioner. Thereafter, he converted the property for his own use. These are all the allegations. In fact, the petitioner had purchased the lorry and after purchasing the lorry, they obtained loan from the third parties. Thereafter, he obtained loan through the deceased friend Sangili, since he was marked not upto the mark. Taking advantage of the same, now the defacto complainant claiming right over the property. The petitioner has some documents to prove the same and therefore, he prayed to quash the F.I.R.



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3. The learned Additional Government Advocate (Criminal Side) appearing for the first respondent would submit that based on the complaint given by the second respondent, F.I.R has been registered in Crime No.430 of 2024 and now the case is under investigation. The loan was obtained by the deceased son of the defacto complainant by hypothecating the lorry. Therefore, F.I.R has been registered and they have to conduct an elaborate investigation. At this stage, this petition is liable to be dismissed.

4. Heard both sides and perused the materials on record.

5. As far as the quashment of the F.I.R is concerned, it is well settled law that if there are no any ingredient to constitute the offence, this Court can quash the F.I.R. But in this case, there are some allegations to constitute the offences. However, according to the petitioner, he has some documents to show that the lorry belongs to him. Therefore, it is appropriate to direct the petitioner to produce the available documents with him to the investigating officer and in turn, the investigating officer after taking into consideration of those documents shall proceed the



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investigation in accordance with law.

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6. With the above said observations, this Criminal Original Petition is disposed of. No costs. Consequently, connected Criminal Miscellaneous Petition is closed.

06.02.2025

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

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



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P.DHANABAL, J.

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