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CrI.O.P.No.17176 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2026

CORAM:

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

CrI.O.P.No.17176 of 2023 and
CrI.MP.Nos.11060 & 11061 of 2023

Pandeeshwari

... Petitioner

Vs.

1.State Rep by its
The Inspector of Police,
Nasarapet Police Station,
Chennai

(crime No.544 of 2018)

2.Harikrishanan

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the records in CC.No.91 of 2023 pending on the file of
the Judicial Magistrate No.1, Poonamallee and quash the same as illegal
and without jurisdiction.

For Petitioner : Mr.I.Abdul Basith

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate(crl.side)

For R2 : Mr.P.Muthamizhselvakumar

ORDER

This criminal original petition has been filed praying to



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quash the proceedings in CC.No.91 of 2023 pending on the file of the Judicial Magistrate No.1, Poonamallee.

2. The case of the prosecution is that the 2nd Respondent lodged a complaint on the allegation that on 29.09.2019, the 2nd Respondent visited Loyola College in his Toyota Qualis vehicle (TN-07 R-8255) for attending NPTEL online Examination. The 2nd Respondent was not allowed to carry other items except pen and pencil. While so, the 2nd Respondent and his other friends kept their belongings in the vehicle of the 2nd Respondent and kept the vehicle key in the window of the examination hall. After completing the exam, when the 2nd Respondent and his friends came out to collect their belongings from the vehicle, all the following items were missing: 5 sovereign of Gold bracelet, 1½ sovereign of Gold ring, Oppo f5 mobile phone, one plus 3 mobile, I phone 6s, Redmi Note 7 pro, Vivo Y15, REdmi 4, Oppo 17, Honor 6x and cash of Rs.4000/-. On a complaint, FIR came to be registered in Cr.No.544 of 2019 dated 19.10.2019 for the offence under section 379 of IPC and one person namely Suresh Kumar was arrested. He was arrayed as A-1 and all items except gold were seized from the said accused and confession statement was recorded. Thereafter, an alteration report was filed by the 1st Respondent by altering as Section 379 and 414 of IPC

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arraying the Petitioner as A-2 on the allegation that the A-1 sold the stolen gold of 6 ½ sovereign to a person namely Ashvathi. The said Ashvathi gave the alleged stolen gold to another person and the same was thereafter handed over to the petitioner, who is working as the Manager, Attica Gold Company, T.Nagar Branch. Subsequently, charge sheet was filed before the Judicial Magistrate No.1, Poonamallee.

3. Heard, the learned counsel appearing on either and perused all the materials placed before this Court.

4. On perusal of records and also on the submissions of the learned counsel appearing on either side, it is revealed that there are totally two accused, in which A1 already pleaded guilty before the trial court and he paid fine. Insofar as the petitioner is concerned, she is arrayed as A2. Even according to the case of the prosecution, the petitioner while was working as Manager of Avadi Attica Gold Company, the subject jewellerys were sold out by the first accused. It was received by one, Ashvathi who was working under the second accused in Avadi Attica Gold Company. After billing the jewels, they were handed over to the Manager i.e. the second accused. Therefore, second accused who acted as Manager in the Avadi Attica Gold Company received the jewels

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which were allegedly stolen by the first accused for a sum of Rs.1,52,000/-. Bill was also raised for the purchase of the said gold. It is not the case of the prosecution that the said jewels were pledged by the first accused. In fact, the jewel was sold out by the first accused and after billing the same, it was purchased by the aforementioned company, that too by one of the staff of the company. The second accused did not have any personal knowledge at the time of purchasing the stolen jewellery. When it being so, no offence is made out against the second accused. The second accused acted as the Manager of Avadi Attica Gold Company and after purchasing by one of the staff, the jewels were handed over to the second accused. Therefore, the entire impugned proceedings against the petitioner cannot be sustained and the same is liable to be quashed.

5. Accordingly, this criminal original petition is allowed and the entire impugned proceedings is quashed in respect of the petitioner. Consequently, connected miscellaneous petitions are closed.

29.04.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

- 1.Judicial Magistrate No.1, Poonamallee
- 2.State Rep by its
The Inspector of Police,
Nasarapet Police Station,
Chennai
- 3.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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