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CrI.O.P.No.4016 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.4016 of 2026
and CrI.M.P.No.2769 of 2026

T.M.Shajahan

... Petitioner

Vs.

1. State represented by,
The Inspector of Police,
District Crime Branch,
Erode District.

2. A.Gnanapal

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records and to quash the proceedings in Crime No.8 of 2024 on the file of the first respondent police.

For Petitioner : Mr.S.Thiruvengadam

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)

For R2 : Mr.R.Chandrasudan

ORDER

The present Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.8 of 2024, pending on the file of the first respondent police.



2. The case of the prosecution is that the accused conspired together and in the absence of the de facto complainant, who is the proprietor of Annai Fathima Leather Tannery, removed the goods belonging to the de facto complainant from his godown and sold them to third parties. Based on the complaint given by the *de facto* complainant, the aforesaid case in Crime No.8 of 2024 came to be registered for the offences under Sections 120B and 408 of IPC, which is now sought to be quashed.

3. Learned counsel appearing for the petitioner submitted that the petitioner, a proprietor of TMS Leather, who is arrayed as A7 in Crime No.8 of 2024, has not committed offence other than having purchased the goods from the independent companies run by A1 and A2. He further submitted that the petitioner is not aware of any illegality committed by A1 and A2 and that he innocently purchased the raw materials after paying necessary amounts to them. He also submitted that the transactions between the petitioner and accused 1 and 2 were only through bank transactions and the petitioner has all the documents to prove that the goods were legally purchased by him. However, the petitioner has been unnecessarily dragged into the issue. He further submitted that at the most, the petitioner can only be shown as a witness in the proceedings and not as an accused.



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4. Learned Government Advocate (Criminal Side) appearing on behalf of the first respondent submitted that the accused had misappropriated the goods of the de facto complainant and sold them to third parties for export. He further submitted that the petitioner/A7 is also part of the conspiracy and that the investigation in this case is still pending. He also submitted that the co-accused in this case, who is arrayed as A5, had earlier approached this Court in Crl.O.P.No.10690 of 2025 seeking to quash the FIR and that this Court, vide order dated 24.10.2025, dismissed the same, finding that the investigation was at a nascent stage and directed the respondent police to take appropriate action if it was found that the fifth accused had no role in the alleged offence. He further submitted that insofar as this petitioner is concerned, the materials furnished by him will be looked into during the course of investigation and that a fair investigation will be conducted by the first respondent police.

5. Learned counsel appearing for the second respondent submitted that the petitioner colluded with the other accused and knowing that the raw materials were stolen properties, purchased the same. Hence, he objected to quashing the First Information Report.



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6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. In view of the above, at this stage, when the investigation is in progress, this Court is not inclined to interfere with the investigation.

8. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioner is directed to cooperate in the investigation and shall furnish the documents relied upon by him to the first respondent police. The first respondent police are directed to conduct the investigation in a fair manner, taking into consideration the materials submitted by the petitioner herein and if it is found that the petitioner has no role in the aforesaid allegations, the first respondent police shall proceed in accordance with law.

18.02.2026

Neutral Citation: Yes/No
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1. The Inspector of Police,
District Crime Branch,
Erode District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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