

Saifulla Vs. State of Karnataka and Others

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Court : Karnataka

Decided On : May-26-2011

Reported in : 2011(4)KantLJ577

Judge : Mohan Shantanagoudar

Appeal No. : Writ Petition No. 33991 of 2010 (GM-POLICE)

Appellant : Saifulla

Respondent : State of Karnataka and Others

Advocate for Pet/Ap. : For the Petitioner: M/s. Amar Correa Associates, Advocates. For the Respondent: M.C. Nagashree, High Court Government Pleader.

Judgement :

1. Petitioner has sought for quashing the investigation report filed by the police in C.C. No.27766 of 2010 pending before the X Addl. C.M.M. Court, Bangalore. The police after investigation have laid the charge-sheet for the offences punishable under Sections 379, 465, 468, 471, 472, 473 and 420 of the India Penal Code, 1860. Petitioner has also sought for compensation to the tune of Rs.5 lakhs + Rs.1.50 lakhs + Rs.50,000/- from the respondents for filing false charge-sheet and for keeping the seized car without authority of law and for creating false records against the petitioner.

2. Copy of the charge-sheet is produced before the Court. The charge-sheet prima facie reveals that accused 1 and 2 viz., Liyakat Ali Khan and Riyasat Ali Khan allegedly committed theft of various vehicles including the tipper lorries, cars etc. In Uttara Pradesh, Chattisgarh and Rajasthan States and changed the chassis numbers engine numbers and the registration numbers and thereafter sold such vehicles at Bangalore to accused 3 to 9. The allegations are also found to the effect that accused 3 to 9 have colluded with accused 1 and 2 in purchasing the vehicles in question. The petitioner is the accused 4 in the crime. He has purchased a Hundai Getz car bearing Registration No. UP 80 AX 0984. The certification of registration stands in the name of accused 1. The allegation is that the registration records are also tampered by accused 1 and 2 and thereafter, the vehicles are sold. During the course of investigation, the vehicle bearing Registration No. UP 80 AX 0984 was seized from the house of the petitioner. Since prima facie material relating to theft of vehicles and purchase of such vehicles are available from the charge-sheet, this Court does not wish to quash the charge-sheet. It is always open for the petitioner to argue for his discharge before the Trial Court. If any further observation is made on merits of the matter regarding the complicity or non-complicity of the petitioner or other accused, the same will prejudice the Trial Court.

3. The prayers relating to compensation also cannot be considered at this stage, inasmuch, as such prayers can be considered only after final decision in the matter is taken. If the petitioner is acquitted and if the Trial Court comes to the conclusion that the petitioner is an innocent purchaser of the property, then, the petitioner may pursue his remedies for claiming compensation. Till such time, the petitioner will have to wait.

With these observations, the writ petition is disposed of. It is open for the petitioner to argue for his discharge before the Trial Court in CC.No.22766 of 2010. The observations made during the course of this matter shall not prejudice the Trial Court while deciding the matter.