



Crl.O.P.No.22541 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.22541 of 2026
and Crl.M.P.Nos.14957 and 14959 of 2026

1.Kathirvel

2.Ashok Kumar

3.Mohanasundaram

... Petitioners

vs.

1.The State

Rep. by its Inspector of Police,
Sathyamangalam Police Station
(Crime No. 713 of 2024)

2.Raja

... Respondents

PRAYER:- Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet registered against the Petitioners herein by the 1st Respondent Police in C.C.No.197 of 2026 on the file of the Court of the Judicial Magistrate, Sathyamangalam.

For Petitioners : Mr.Karthikeyan TC

For R1 : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.197 of 2026 on the file of the Court of the Judicial Magistrate, Sathyamangalam.

2. The case of the prosecution is that based on a complaint preferred by the second respondent, who is a Revenue Inspector, Sathyamangalam, the first respondent-police registered an FIR in Crime No.713 of 2024 against the petitioners for the alleged offence punishable under Section 303(1) of BNS read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. It is alleged that on 23.12.2024 at about 5.30 p.m., while the second respondent was on official duty, he received information that the petitioners were illegally quarrying gravel soil from the land comprised in S.F.No.135/2A, situated at Pekkiripalayam Village, Chikkarasampalayam, Sathyamangalam Taluk, Erode District, without obtaining property permission from the Government. It is further alleged that the accused were using a Tractor bearing Registration No.TN 36 AQ 9572 with a Trailer bearing Registration No.TN 36 AZ 0783 and Hitachi earth-moving machine for the said illegal activity. Hence, the case.



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3. The learned counsel for the petitioners submitted that initially the case was registered for the offences punishable under Section 303(1) of BNS and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and after completion of investigation, the first respondent filed the final report only for the offence under Section 303(1) of BNS. He further submitted that the petitioners had transported the soil with due and valid permission and that a false case has been foisted against them as though they had illegally transported the soil. He further contended that the petitioners were subjected to harassment by the first respondent police and the Revenue Officials and the present complaint has been lodged falsely by the defacto complainant as if the petitioners had committed theft of soil from the land comprised in S.F.No.135/2A, situated at PekkiriPalayam Village, Chikkarasampalayam, Sathyamangalam Taluk. Further, even as per the prosecution, the estimated value of the seized property has been shown as '0' and no valuation has been obtained from any competent authority. Since the value of the alleged stolen property is less than Rs.5,000/-, the offence would fall within the ambit of a non cognizable offence. He further submitted that as per Section 174 of BNSS, an FIR in respect of a non-cognizable offence can be registered only upon obtaining prior orders from the learned jurisdictional Magistrate. In the absence of such prior



permission, the registration of the FIR is illegal and all further proceedings pursuant thereto amount to an abuse of process of law and are liable to be quashed.

4. The learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the first respondent submitted that the petitioners had illegally transported sand by using a Tractor with Trailer and Hitachi earth-moving machine. However, he fairly conceded that no valuation report has been obtained from any competent authority. He further submitted that the case stands posted for appearance of the accused before the trial Court.

5. Admittedly, no valuation report has been obtained from any competent authority. As stated above, as per Section 174 of BNSS, if the value of the property is less than Rs.5,000/-, only after getting appropriate orders from the learned Magistrate who has power to try the case, an FIR can be registered. In this case, no permission had been obtained and hence, the FIR registered against the petitioners are unsustainable in law and it is an abuse of process of law.



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6. In view of the above, this Criminal Original Petition is allowed and the entire proceedings in C.C.No.197 of 2026 pending on the file of the Judicial Magistrate, Sathyamangalam, is quashed as against the petitioners. Consequently, connected Miscellaneous petitions are closed.

13.08.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
dm

To

- 1.The Judicial Magistrate,
Sathyamangalam.
- 2.The Inspector of Police,
Sathyamangalam Police Station.
- 3.The Public Prosecutor,
High Court, Madras.



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G.K. ILANTHIRAIYAN, J.

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