



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P.(MD)No.8084 of 2026

and

Crl.M.P(MD)No.8681 of 2026

Dhanammal

...Petitioner/Accused No.3

Vs

1. State of Tamilnadu,
Rep by Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
Crime No. 612 of 2024.

2. The Assistant Geographer,
Geography and Mines,
District Collector Office Campus,
Tirunelveli District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records relating to the impugned charge sheet in PRC.No.234 of 2025 on the file of the III Judicial Magistrate Court, Tirunelveli, and quash the same as illegal.

For Petitioner : M/s.A.K.H.M.Mohamed Abdul Rasiq

For Respondents : M/s.G.Ganesh Kumar
Government Advocate(crl.side) for R1

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ORDER

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The present petition has been filed by the third accused in P.R.C.No.234 of 2025, on the file of the learned Judicial Magistrate No.III, Tirunelveli, seeking to quash the charge sheet wherein he is charged with the offences under Sections 21(1) and 21(4) of MMDR Act.

2. According to the learned Counsel appearing for the petitioner, in view of Section 22 of the MMDR Act, only private complaint procedure has to be adopted and the Court cannot take cognizance based upon a police report. The petitioner also relies upon a decision of this Court in CrI.O.P.(MD)No.21059 of 2025, dated 25.11.2025, ***Ramu and another Vs. the state of Tamil Nadu and another***, in support of his contentions.

3. I have considered the submissions made on either side and perused the materials available on record.

4. As could be seen from Section 22 of MMDR Act, the Court cannot take cognizance of any offence except upon the complaint in writing made by the person authorised in this behalf by the Central Government or by the State Government. Therefore, it is clear that the private complaint procedure has to be adopted by the officials concerned while lodging a complaint under Section



21(1) and 21(4) of MMDR Act. However, in the present case, the defacto complainant who is an official of the Geology and Mines Department had lodged a complaint before the first respondent police and after investigation, the first respondent has filed a final report in P.R.C.No.234 of 2025.

5. In such a view of the matter, the continuation of the proceedings as against the petitioner would only be an abuse of law and therefore, the charge sheet in P.R.C.No.234 of 2025, on the file of the learned Judicial Magistrate No.III, Tirunelveli, stands quashed.

6. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is also closed. It is always open to the concerned authorities to initiate appropriate proceedings under the MMDR Act, if they are so advised.

15.07.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

1. The learned III Judicial Magistrate,
Tirunelveli.
2. The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
3. The Assistant Geographer,
Geography and Mines,
District Collector Office Campus,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

RJR

CrI.O.P.(MD)No.8084 of 2026

15.07.2026