



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

CRL.O.P (MD)No.13077 of 2015

Mr. Mahesh

... Petitioner / Sole accused

Vs.

The State

Represented by the Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Crime No.229 of 2014)

... Respondents

Prayer:- Criminal Original Petition is filed under Section 482 of Cr.P.C, praying this Court, to call for the entire records pertaining to Crime No.229 of 2014 on the file of Mukkudal Police Station, Tirunelveli District and quash the same.

For Petitioner : Mr. S.Thirumavalavan

For Respondent : Mrs.S.Prabha

Govt. Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.229 of 2014 on the file of Mukkudal Police Station, Tirunelveli District.

2. Heard the learned counsel appearing for the petitioner and also the learned Government Advocate(Crl. Side) appearing for the respondent.

3. Two submissions have been raised by the learned counsel for the petitioner. The first submission is to be effect that there is a specific provisions under the Mines and Minerals Act, but the alleged offence under Section 379 I.P.C., is not made out. Further more, the case has also been registered for the alleged offence under Section 307 of I.P.C. The second submission is that the Revenue Divisional Officer concerned has given a statement that no sand mining has taken place.

4.Both the contentions cannot be accepted. The Division Bench of this Court and the Hon'ble Apex Court has taken a view that the proceedings can be initiated both under the Criminal Law as well as under the Special Act, when the offences are made out under the respective enactments. The documents relied upon by the petitioner is a piece of evidence and it is a matter for investigation.

5. In view of the above, this criminal original petition is dismissed. However, a direction is issued to the respondent to file a final report within a period of six months from the date of receipt of



copy of this order. It is made clear that the respondent police will not get influenced by any of the observations made herein, while investigating the matter.

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/True copy/

Sd/-
The Assistant Registrar

Sub-Assistant Registrar

To

1. The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Thirumavalavan, Advocate SR.No.39333

Sm:KBM:SAR-I:3.08.2015:2P/4C

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