

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.9615 of 2016

1.Sekar
2.Sudhakar
3.Manikandan

...Petitioners/A1 to A3

Vs.

State rep by
The Inspector of Police
Mahanoor Police Station
Namakkal District
(in Cr.No.104/2014)

...Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the proceedings in C.C.No.57 of 2015 pending on the file of the Judicial Magistrate No.II, Namakkal and quash the same.

For Petitioners : Mr.K.Kannan

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to call for the records pertaining to the proceedings in C.C.No.57 of 2015 pending on the file of the Judicial Magistrate No.II, Namakkal and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. It is seen that this petitioner is facing prosecution for an offence u/s 21 (1)(a)(b) of the Mines and Minerals (Development and Regulation) Act, 1957 r/w Section 379 IPC in C.C.No.57/2015, challenging which he has filed this quash application on the ground that, in respect of same incident, departmental proceedings were initiated under the Mines and Minerals Act and penalty was imposed on the petitioner by the Revenue Divisional Officer by order dated 16.03.2014. It is

trite law that departmental proceedings and criminal prosecution are two different legal procedures and there cannot be complaint of double jeopardy.

In the result, this petition is devoid of merits and the same is dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioner is at liberty to raise all points before the trial Court.

gms

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.State rep by
The Inspector of Police
Mahanoor Police Station
Namakkal District
 - 2.The Public Prosecutor,
High Court, Madras.
 3. The Judicial Magistrate No.II, Namakkal.
- + 1 cc to Mr.K.Kannan, Advocate Sr 31236

KR/22/6/16

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सत्यमेव जयते

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