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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2016

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH**

CrI.O.P.No.1758 of 2016

Subbu  
s/o.Velu Naickar  
West Street, Vadivammanpatti  
Radhapuram Taluk  
Tirunelveli District .. Petitioner

Vs.

1.State represented by the  
Inspector of Police,  
Tisayanvilai Police Station,  
Tirunelveli District  
Crime No.70 of 2015

2.Kumar  
Village Administrative Officer,  
Urumankulam, Tirunelveli District .. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in Cr.No.70 of 2015 on the file of the respondent police and quash the same.

For Petitioners :: Mr.T.A.Ebenezer  
For Respondent :: Mr.Mayil Vahana Rajendran  
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking to quash the case in Crime No.70 of 2015 on the file of the respondent police.

2. On 01.02.2016, this Court passed the following order:

"It is the case of the prosecution that on 14.03.2015 early morning, the petitioner had illegally mined the sand in a Tractor bearing Registration No.55-J-7607 and attempted to run over the de-facto complainant, when he asked him to stop the Tractor.

2. The learned counsel appearing for the petitioner submits that the Tractor bearing Registration No.TN 55-J-7607 was already involved in Crime No.40 of 2015 and was in the police custody and the release order was passed by the learned Judicial Magistrate, Nanguneri only on



12.03.2015, which was communicated to the respondent police only on 13.03.2015 and therefore, on 14.03.2015, it could have been impossible for the petitioner to use the said Tractor as alleged by the de-facto complainant.

3. Mr.C.Mayilvahan Rajendran, learned Additional Public Prosecutor, takes notice and seeks time to get instructions.

4. Post the matter on 04.02.2016 for orders."

3. Today, when the matter was called, the learned Additional Public Prosecutor submitted that the petitioner has collected the Tractor on 13.03.2015 and the learned Additional Public Prosecutor also produced a copy of the receipt signed by the petitioner for having collected the Tractor from the police station. The learned Additional Public Prosecutor also submitted that the sand that was seized on 14.03.2015 has been handed over to the Public Works Department on 04.05.2015. Under such circumstances, there is no merit in the petition. Accordingly, this petition stands dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law. Consequently CrI.M.P.No.903 of 2016 is also closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

RR

To

1.The Inspector of Police,  
Tisayanvilai Police Station,  
Tirunelveli Districts

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.T.A.Ebenezer Advocate Sr.No.7243

GJM/SKS/RR/SAR-I-16.2.16-2p-4C

CrI. O.P. (MD) No.1758 of 2016  
04.02.2016