



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Criminal Original Petition (MD) No.4430 of 2016

1.Ravichandran

2.Nagaraj

3.Marimuthu

4.Muthuramalingam

... Petitioners

vs.

The State of Tamilnadu

Rep. by its Inspector of Police,

Mandalamanickam Police Station,

Mandalamanickam,

Ramanathapuram District.

Crime No.40 of 2013.

... Respondent/Complainant

PRAYER: This petition is filed under Section 482 Cr.P.C to call for the records relating to the proceedings in C.C.No.79 of 2015 on the file of the District Munsif Court cum Judicial Magistrate, Kamuthi, Ramanathapuram District against Crime No.40 of 2013 pending on the file of the respondent police instituted against the petitioners/Accused Nos.1 to 4 and quash the same as illegal.

For Petitioners

: Mr.R.Babu Jaganath

For Respondents

: Ms.S.Prabha

Government Advocate (Crl.Side)

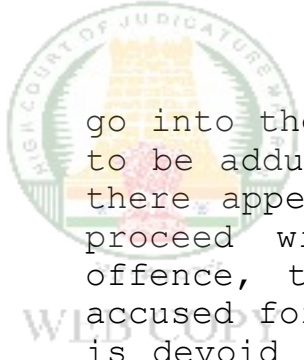
O R D E R

On a complaint lodged by Sub Inspector of Police, the respondent police registered a case in Cr.No.40 of 2013 for the offence under Sections 386 and 379 IPC and Section 3 of TNPPDL Act and Section 21(1) of Tamil Nadu Mines and Minerals Regulation Development Act, 1957. After completion of investigation, the respondent policed filed final report in C.C.No.79 of 2015 before the learned District Munsif Court cum Judicial Magistrate, Kamuthi, Ramanathapuram District. Challenging the same the accused are before this Court.

2. Mr.R.Babu Jaganath, learned counsel for the petitioners submitted that the petitioners/accused have got a valid license to quarry in the Government land and he also produced the necessary receipts for removing the sand.

<https://hcservices.ecourts.gov.in/hcservices/>

3. This Court is of the considered opinion that in the proceedings for quash under Section 482 Cr.P.C., this Court cannot



go into the disputed question of facts, where evidence is required to be adduced. On a bare reading of the First Information Report, there appears to be sufficient materials for the Trial Court to proceed with, inasmuch as the charge discloses the date of offence, time of offence and the vehicle allegedly used by the accused for transporting the sand. This criminal original petition is devoid of merits and the same is dismissed with liberty to the petitioners to raise all the points before the Trial Court.

Sd/
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

jikr
To

1.The Inspector of Police,
Mandalamanickam Police Station,
Mandalamanickam,
Ramanathapuram District.

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

+1cc to Mr.R.Babu Jaganath Advocate in Sr.No. 14238

CN/SKS-SK/21.03.2016/2P-4C.

Cr1.O.P(MD) .No.4430 of 2016

14.03.2016