

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.5953 OF 2019
AND CRL.M.P.NOS.3348 & 3349 OF 2019

1.Sathya
2.Sathishkumar

... Petitioners/Accused

Vs.

1. State rep. by its Sub-Inspector of Police,
Vickramangalam PS., Ariyalur District.
Crime No.292 of 2018

2. C.Arumugam

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to First Information Report made in Cr.No.292/2018 on the file of first Respondent/Complainant Police Station under Section 21 (1) of Mines and Mineral (Development and Regulation) Act, 1957 and Sec.379 of Indian Penal Code and Quash the same.

For Petitioners : Mr.T.Ravichandran

For RR1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to call for the records in relating to First Information Report made in Cr.No.292/2018 on the file of Respondent/Complainant Police Station under Section 21 (1) of Mines and Mineral (Development and Regulation) Act, 1957 and Sec.379 of Indian Penal Code.

2. The learned counsel for the petitioners would submit that the first respondent Police based on the information received from some unknown persons that the lorry of the first petitioner bearing Reg.No.TN 46 E 3817 transported sand illegally, a case was registered in Crime No.292 of 2018. He further submits that when the police went to the place of occurrence the vehicle was

found without being engaged any work as such the first respondent police ought not to have registered a case. He further submits that the petitioners' names are not found in the FIR, however the vehicle has been seized by the first respondent Police.

3. He further submits that the first petitioner filed a writ petition in W.P.No.34656 of 2018 before this Court for a direction to direct the respondents therein to release the vehicle of the petitioner seized on 04.12.2018, wherein the Division Bench of this Court issued a direction to consider the representation of the petitioner. Thereafter the first petitioner filed a petition before the learned Judicial Magistrate Court No.I, Jayankondam in Cr.M.P.No.224 of 2019 to return the vehicle, but the same was dismissed by an order dated 31.01.2019.

4. The petitioners have filed this petition to quash the FIR in Crime No.292 of 2018. It is seen that the petitioner approached the learned Magistrate-I, Jayankondam in Crl.M.P.No.224 of 2019 to return of the vehicle as directed by this Court in W.P.No.34656 of 2018 by order dated 27.12.2018, which was dismissed. Therefore, the petitioner is at liberty to challenge the order passed by the learned Magistrate dated 31.01.2019.

5. With the above observations, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pds/lok

To

1. The Magistrate-I, Jayankondam
2. The Sub-Inspector of Police,
Vickramangalam PS., Ariyalur District.
3. The Public Prosecutor,
Hight Court of Madras.

CrI.O.P.No.5953 of 2019
and CrI.M.P.Nos.3348 & 3349 of 2019

KJ(CO)
CS/23/05/2019