



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM

WEB COPY

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.5454 of 2019
and
Crl.MP (MD) No.3437 of 2019

1.Balasubramanian
2.Illayaraja

.. Petitioners/Accused No.1 & 2

Vs

1. State Rep. By
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No.209 of 2018)

.. 1st Respondent/Complainant

2.Mr.Vijayakumar

.. 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the case registered in First Information Report in Crime No.209 of 2018 on the file of the first respondent and quash the same as illegal.

For Petitioner : M/s.J.Lawrance

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

O R D E R

The Criminal Original Petition has been filed to quash the FIR in Crime No.209 of 2018 on the file of the first respondent police.

2.The case of the prosecution is that the Law Enforcing Agency registered a sand theft case against the petitioners in Crime No.209 of 2018 for the offence under Sections 294 (b), 353 and 379 of IPC r/w 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957. Against which, the present petition has been filed.

3.The learned counsel for the petitioners would submit that the petitioners are the residents of the Indhalur and they were not committed any offence alleged by the prosecution. They were remove the stagnation of sand, mud and blockade from the supply channels of



Kallanai River near Indhalur Bridge. For which, the Law Enforcing Agency registered a case against the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that while on the night round duty the Law Enforcing Agency saw that the sand theft and prevented the petitioners from taking sand from the river and the petitioners were tried to loaded the sand in their land.

5.Considering the fact and circumstances of the case and considering the submissions made by the learned Government Advocate (Crl.Side), this petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

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

+1 CC to M/s.J.LAWRANCE, Advocate (SR-60843[F] dated 12/04/2019)

Cr1.O.P.No.5454 of 2019

11.04.2019

CS: 14/05/2019/2P/4C