



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Friday, the Twenty Sixth day of April Two Thousand Nineteen

The Hon`ble Mr.Justice **N.SESHASAYEE**

CRL OP(MD) . No.6125 of 2019

1. M/S. CORAMANDAL AGENCIES

REP.BY ITS MANAGING PARTNER R.VEERAMANI

NO.8 2ND STREET, GANAPATHI COLONY, CHENNAI

2. R.VEERAMANI,

MANAGING PARTNER,

M/S.CORAMANDAL AGENCIES

... Petitioner/Accused 1 & 2

Vs

1. STATE REP. BY

THE INSPECTOR OF POLICE,

OTHAKADAI POLICE STATION, MADURAI DISTRICT

2. TMT.M.SEETHA

VILLAGE ADMINISTRATIVE OFFICER

IDAYAPATTI VILLAGE,

MADURAI NORTH TALUK.

... Respondent/ De Facto Complainant

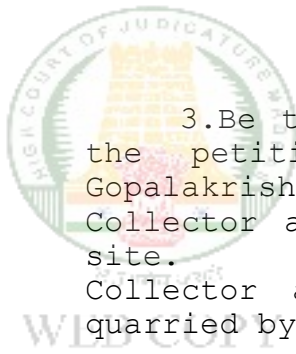
Prayer :-

This is petition filed under section 482 of Cr.P.C. to call for the records relating to the impugned proceedings in PRC.No.29/2018 on the file of Judicial Magistrate, Melur and quash the same as against these petitioner.

ORDER:- This Revision coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.I.SUBRAMANIAN, SENIOR COUNSEL FOR M/S VEERA ASSOCIATES, for the Petitioner and of Thiru.OHM CHAIRMA PRABU, Government Advocate(Criminal Side) for the first respondent, this Court made the following order:

The present petition is filed by the accused Nos.1 and 2 in P.R.C.No.29 of 2018 on the file of the learned Judicial Magistrate, Melur for quashing the charge sheet laid against the petitioner.

2.Mr.I.Subramanian, learned Senior Counsel appearing for the petitioners submitted that the petitioners obtained a lease deed for quarrying granite stone from the Director of Mines / District Collector for a period of 15 years, that since mining lease was to expire on 16.01.2004, on 04.04.2003, the petitioners moved for renewal of the lease. Since no decision was taken on the same, immediately, the petitioners moved this Court in W.P.(MD)No.8044 of 2004, in which this Court has permitted the petitioner to quarry the granite stone, till the disposal of the petitioner's request for renewal of lease.



3. Be that as it may, the argued the learned counsel, on 06.10.2009 the petitioners sold the property to the 7th accused, namely, Gopalakrishnan. On 14.10.2009, the petitioners intimated the District Collector about of said sale, and stopping the quarry operation at the site. Subsequently, on 23.08.2010, the petitioners informed the Collector about their intention to remove the granite stone already quarried by them and lying at the site.

4. He added that the petitioners have since removed those granite stones after paying necessary seigniorage fee to the Government. The 7th accused in turn sold the property to the 8th accused on 04.10.2010 after the sale made by the petitioner. It is in this background, on 13.04.2012 the officials happened to inspect the quarrying granite stone and the same was alleged to have been illicitly quarried, and a case was registered in Crime No.411 of 2012. The petitioners were not arrayed as accused persons in the First Information Report. After investigation, the Investigating Agency laid final report, wherein the petitioners have been roped in as accused persons. After he has parted with the land, wherein he was carrying mining operations and after he stopped his entire activity there. The learned counsel for the petitioner submitted that the very sale deed dated 06.10.2009 followed by communication of the petitioners dated 04.10.2009 and 23.08.2010 whereupon, sold the he has mining site would entitle the petitioners to have the charge sheet quashed against them.

5. *Prima facie* this Court is satisfied with the submissions made.

6. Admit. Mr.A.P.G.Ohm.Chairma Prabhu, learned Government Advocate (Crl.Side) takes notice for the first respondent. Notice to the second respondent through Court as well as privately returnable by six weeks.

7. Post the matter on 04.06.2019.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

+ 1 CC TO M/s.Veera Associates, ADVOCATE IN SR No.7938

ORDER DATED : 26/04/2019

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C.D.Purpose

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CRL OP(MD). No.6125 of 2019

Giving direction and etc.
as stated within.