



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P. (MD)No.11624 of 2019

and

Crl.M.P. (MD)No.7309 of 2019

Paulsamy

... Petitioner/Accused No.1

Vs.

1.The State rep by the Inspector of Police,
Surandai Police Station,
Tirunelveli District.

... Respondent No.1/Complainant

2.T.Jeya Shankar

...Respondent No.2/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C.,to call for the records relating to Crime No.147 of 2019 on the file of the respondent No.1 police Station and quash the same against the petitioner.

For Petitioner : Mr.M.M.Iqbal

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

ORDER

This petition has been filed to quash the proceedings in Crime No.147 of 2019 pending on the file of the first respondent.

2. The grievance of the petitioner is that based on the complaint given by the Special Sub Inspector of Police alleging that the petitioner had illegally quarried and transported the sand from the river at Mullaiyur, Pudukkottai District without any valid permit, a case in Crime No.147 of 2019 has been registered for the offences punishable under Sections 379 IPC by the respondent police on 04.04.2019 and the lorry used to transport the sand has been seized.

3. The learned counsel for the petitioner submitted that the

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



petitioner has valid permit to transport sand and without considering the permit issued by the competent authority, the respondent police has registered the case against the petitioner and seized the vehicle. Hence, the petitioner has filed the present petition.

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4. The learned Government Advocate (CrI.Side) appearing for the first respondent, on instructions, would submit that the the petitioner transported the sand without any valid permit and hence, a case has been registered and the lorry has been seized. Now the respondent police has filed a final report on completing the investigation before the learned Judicial Magistrate, Alangulam and the same is pending for taking cognizance.

5. Considering the fact that already investigation is over on the complaint filed against the petitioner and final report has also been filed, at this stage, FIR cannot be quashed. Accordingly, this Criminal Original Petition is dismissed. However, if the petitioner has any grievance after taking cognizance of the offence by the learned Judicial Magistrate, it is always open to him to work out his remedy in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

To

The Inspector of Police,
Surandai Police Station,
Tirunelveli District.

Copy to:

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

CrI.O.P. (MD)No.11624 of 2019
21.08.2019

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