



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P (MD) No.12381 of 2019

and

Crl.M.P. (MD) No.7756 of 2019

WEB COPY

1) Krishnamoorthy

2) Thangarasu

... Petitioners/
Accused Nos.1 & 2

Vs

1) The State of Tamil Nadu,
Rep. by the Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.

... 1st Respondent/
Complainant

2) The Revenue Inspector,
Kodumbalur Firka,
Viralimalai Taluk,
Pudukkottai District.

... 2nd Respondent/
De facto complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to Crime No.72 of 2018 on the file of the 1st respondent dated 10.03.2018 and quash the same and allow this criminal original petition.

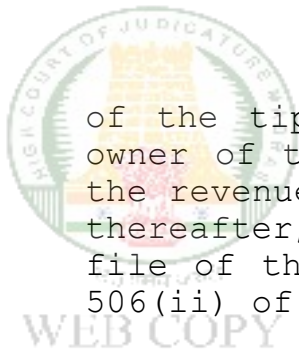
For Petitioners : Mr.J.Anandkumar

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

O R D E R

This petition has been filed to quash the FIR in Crime No.72 of 2018 on the file of the 1st respondent police, registered for the offences under Sections 294(b), 353 and 506(ii) of I.P.C., as against the petitioners.

2. The case of the prosecution is that based on the information given to the R.D.O., Illuppur Division with regard to illegal sand mining at Kodikkalpatti village, on 07.03.2018 at about 08:00 p.m , the *de facto* complainant, who is the Revenue Inspector of Kodumbalur Firka along with revenue officials rushed to the spot and confiscated a tipper lorry bearing Reg No. TN 55 Q 0682 belonging to the petitioner, which was found involved in sand mining. The *de facto* complainant verified that whether any valid permission was obtained to transport sand, during which the driver



of the tipper lorry escaped from the spot. The first petitioner/ owner of the lorry along with the driver/ second petitioner abused the revenue officials and threatened them with dire consequences and thereafter, a F.I.R. was registered in Crime No.72 of 2018 on the file of the respondent for offences under Sections 294(b), 353 and 506(ii) of I.P.C.

3. The learned counsel appearing for the petitioners submitted that the petitioners were not involved in the alleged crime and that they have been falsely implicated in this case. He further submitted that it is seen that the first respondent completed investigation and is yet to file the final report. Therefore, he prayed to quash the F.I.R.

4. The learned Additional Public Prosecutor appearing on behalf of the official respondents would submit that the investigation is still pending. The offences are made pursuant to the enquiry report and therefore, the grounds raised by the petitioner are not tenable.

5. Heard Mr.J.Anandkumar, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Additional Public Prosecutor appearing for the respondents.

6. The investigation is still pending and the respondent police did not file any final report or charge sheet as against the accused persons.

7. Considering the facts and circumstances of the case, the first respondent is directed to consider the request of the petitioner and file the final report within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the Criminal Original Petition is disposed of. Consequently, connected Crl.M.P.(MD) No.7756 of 2019 is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.



2. The Revenue Inspector,
Kodumbalur Firka,
Viralimalai Taluk,
Pudukkottai District.

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

Order made in
Crl.O.P (MD) No.12381 of 2019

_KK/SAR/11.10.2019/3P-4C/