



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.10.2019
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.14715 of 2019
and
Crl.M.P.(MD)No.8899 of 2019

1.Manikandan @ Manivannan
2.Kannan @ Sellakannu

... Petitioners/Accused No.1,3

Vs.

1.State represented by the
Inspector of Police,
Manamadurai Police Station,
Sivagangai District - 630 610
(In Crime No.247 of 2019)

... Respondent No.1/Complainant

2.Selvi

... Respondent No.2/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to Call for the entire relevant records connected to the First Information Report in Crime No.247 of 2019 pending on the file of the first respondent police Station and quash the same as illegal and against the petitioners.

For Petitioners : Mr.R.Senthilkumar
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

O R D E R

This petition has been filed to direct the F.I.R. in Crime No.247 of 2019 pending on the file of the first respondent police as against the petitioners.

2.When the matter was taken up for hearing, the learned Government Advocate (Crl.side) on instructions would submit that on the complaint lodged by the second respondent, who is being the Village Administrative Officer, the second respondent police registered a case for the offences under Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.247 of 2019 as against the petitioners. As per the G.O.(Ms.)No.12, Industries MMC1), 2nd February 2009, whereas the present complaint lodged by the Village Administrative Officer, namely, the second respondent herein, the first respondent straight away registered the



case in Crime No.247 of 2019 as against the petitioners. The relevant portion of the G.O. reads hereunder:

"Delegation of Powers to certain officers of certain Departments under Mines and Minerals (Development and Regulation) Act.

[G.O. (Ms.)No.12, Industries MMC1), 2nd February 2009, Thai 20, Thiruvalluvar Aandu - 2040]

No.II(2)/IND/170/2009- Under Section 22 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) and in supercession of Industries Department Notification No.319, published at page 1 in Part II - Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated June 22, 1994 the Governor of Tamil Nadu hereby authorises the District Forest Officers and the Police Personnel not below the rank of Inspector of Police, to make complaint in writing to the Court of competent jurisdiction for any offence punishable under the said Act or any Rules made thereunder, in respect of cases failing within their jurisdiction.

*M.F.FAROOQUI,
Principal Secretary to Government."*

3.Admittedly, the Village Administrative Officer lodged the complaint and she is not an authorised person by the State Government to proceed as against the accused persons for the offences alleged in the F.I.R. Under these circumstances, the First Information Report cannot be sustained as against the petitioners and it is clear abuse of process of law.

4.In view of the above discussion, this Court is inclined to quash the F.I.R, in Crime No.247 of 2019 on the file of the first respondent police. Hence, this Criminal Original Petition is allowed and the F.I.R in Crime No.247 of 2019 on the file of the first respondent police, is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Inspector of Police,

Manamadurai Police Station,

<https://hcservices.siraparts.com/hcservices> District - 630 610.



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

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+1 CC to Mr.R.SENTHIL KUMAR, Advocate (SR-92427[F] dated
17/10/2019)

CrI.O.P. (MD)No.14715 of 2019
17.10.2019

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