



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.11.2019
CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.(MD)No.8544 of 2017
and
Crl.M.P.(MD).No.5777 of 2017

K.Mailerivelan
2.R.Vayanaperumal
3.K.Meenakshisundaram ... Petitioners/Accused Nos.1 to 3

Vs.

1.State represented by Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District
(Cr.No.83 of 2017) ... 1st Respondent/Complainant

2.The Revenue Inspector,
Muthukulathur South Firka,
Muthukulathur,
Ramanathapuram District. ...2nd Respondent/Defacto Complainant

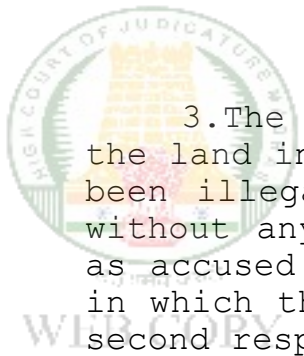
PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, to call for the F.I.R. in Cr.No.83 of 2017, dated 29.03.2017 on the file of the respondent police and quash the same.

For Petitioners	: Mr.K.R.Laxman
For R1	: Mr.S.Chandrasekaran Additional Public Prosecutor
For R2	: No Appearance

O R D E R

This Criminal Original Petition has been filed seeking to quash the First Information Report in Cr.No.83 of 2017, pending investigation on the file of the first respondent.

2.Based on the complaint given by the second respondent, an FIR came to be registered by the first respondent in Cr.No.83 of 2017 for the offences punishable under Sections 379 and 430 of IPC, Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 r/w Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.



3.The allegations that are contained in the complaint is that the land in S.No.303/1B, which belongs to Pandi in Patta No.657, has been illegally quarried and sand has been taken from the property without any proper permission. The petitioners have been roped in as accused on the ground that there was a "Relieving Certificate" , in which there was a reference to a vehicle number. Therefore, the second respondent has come to a conclusion that the petitioners have stolen sand from that place.

4.The learned Counsel for the petitioner submitted that the complaint itself was politically motivated and it has been given against the first petitioner, since he was the earlier President of the Panchayat. The learned Counsel for the petitioner submitted that in the entire complaint, there is no allegation whatsoever against the petitioners and the petitioners have been unnecessarily roped in as accused persons. The learned Counsel also brought to the notice of this Court, the proceedings of the District Collector, dated 24.03.2014, wherein, he has granted sanction to one Manikandan to carryout quarry operation for the purpose of construction of "Samuthaya Koodam" and compound wall for a Higher Secondary School at Rameshwaram. The said person has been allowed to take around 300 loads of sand. The learned Counsel for the petitioner also submitted that sanction has been granted in favour of one Manikandan and he was quarrying the said place and it is not known as to how the petitioners have been made as accused in this case.

5.The respondent police have filed a counter in this case and it is relevant to extract paragraph 6 in the counter affidavit:

"6.I further submit that I gone through the complaint as well as the entire statements and further I came to the conclusion that the petitioners are involved the above said occurrence is true. Originally the owner of the land in Sy.No.303/1B namely Pandi S/o.Muniyandi. In the year of 2014, the said Pandi has entered into lease agreement to one Manikandan. The said Manikandan has take sand from the said survey number with the proper permission from the concern authority. Thereafter, the said Pandi has entered into lease agreement to the 1st petitioner's relative for the purpose of agriculture. But the petitioners did not using agriculture purpose. But they have been stolen sand from the said survey number without get any proper permission from the concern authority."

6.A reading of paragraph 6 of the counter only shows that the land is owned by one Pandi and he has entered into a lease agreement with one Manikandan and Manikandan was taking sand from the property. Thereafter, Pandi is stated to have entered into a lease agreement with one of the relatives of the first petitioner. On the strength of this lease deed, illegal quarrying of sand had taken



place. It is not known, even from this statement, as to how the petitioners are being arrayed as accused.

7.It is clear that the entire complaint is attended with *mala fides* and there is a political pressure behind the entire complaint. Neither the complaint nor the counter filed before this Court has even a single allegation against the petitioners. The continuation of the investigation in the First Information Report will result in abuse of process of law and therefore, the same requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

8.In the result, the First Information Report in Cr.No.83 of 2017, pending on the file of the respondent police is hereby quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.

2.The Revenue Inspector,
Muthukulathur South Firka,
Muthukulathur,
Ramanathapuram District.

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

+1 CC to Mr.K.R.LAXMAN, Advocate (SR-97217[F] dated 11/11/2019)

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