



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.[MD].No.18171 of 2019

and

Crl.M.P.(MD).No.10693 of 2019

WEB COPY

1.Ajith

2.Tamilselvan

: Petitioners/Accused 1, 2

Vs.

State represented by,

1.The Inspector of Police,

Manamadurai Police Station,

Sivagangai District -630610. : Respondent No.1/complainant
(In Crime No.268 of 2019)

2.Muniyasamy

: 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 First Information Report in Crime No.268 of 2019, dated 17.07.2019, on the file of the first respondent Police station and quash the same as illegal as against the petitioners.

For Petitioners : Mr.R.Senthilkumar

For 1st Respondent : Mrs.S.Bharathi
Govt. Advocate (crl.side)

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.268 of 2019, dated 17.07.2019, on the file of the first respondent Police station.

2. The learned counsel for the petitioners would submit that though the case has been registered for the offences under Sections Section 21(1) of Mines and Mineral (Development and Regulation) Act and 379 of IPC, complaint has not been given by the authorised officer and thereby the First Information Report has to be quashed.



3.The learned Government Advocate(Crl.Side) would submit that apart from offence under Section 21(1) of Mines and Mineral (Development and Regulation) Act, the case has been registered for offence under Section 379 of IPC. She would also submit that though there is a bar for registering a case under Section 21(1) of Mines and Mineral (Development and Regulation) Act without complaint from the authorised officer insofar as the offence under Section 379 of IPC, First Information Report can be registered. She also relied upon the order passed by this Court in Crl.O.P(MD) No. 13173 of 2011 and batch on 05.01.2012 and also the judgment of the Honourable Apex Court in **2014(9) SCC 772** in the case of **State (NCT of Delhi) -vs- Sanjay** and also the judgement of the Honourable Supreme Court in the case of **Kanwar Pal Singh -vs- The State of Uttar Pradesh and another** reported in **2019 SCC Online SC 1652**. She would also submit that there is no bar for registering case under Section 379 of IPC. She would also submit that taking into consideration various judgments of this Court as well as Apex Court, the respondent police will complete the investigation and file final report.

4. Recording the same, this Criminal Original Petition is closed with a direction to the first respondent police to take into consideration the above judgments and complete the investigation and file final report before the concerned court within a period of three months from the date of receipt of a copy of this order. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To

1.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District -630610.

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

+1 CC to Mr.R.SENTHIL KUMAR, Advocate (SR-105694[F] dated
18/12/2019)

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