



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.18982 of 2019

and

Crl.M.P(MD) No. 11139 of 2019

WEB COPY

1. T. Prabhu
2. S.Sathiya Moorthy ... Petitioners/Accused Nos.1 & 2
Vs
1. The Inspector of Police
Thondi Police Station
Ramanathapuram ... Respondent / Complainant
2. Murugan
Village Administrative Officer
Kanadangkudi Group
Thiruvadanai Taluk
Ramanathapuram ... Respondent / Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the FIR in Crime No. 168 of 2019 dated 22.09.2019 on the file of the first respondent and quash the same as illegal

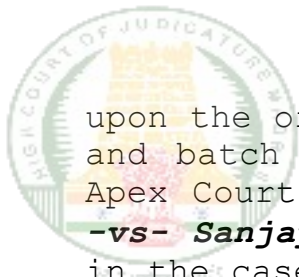
For Petitioner : Mr.C.M.Arumugam
For Respondents : Mr.S.Bharathi
No.1 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 168 of 2019 dated 22.09.2019 on the file of the first respondent police.

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. He 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 (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
Thondi Police Station
Ramanathapuram

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

3. The Village Administrative Officer
Kanadangkudi Group
Thiruvadanai Taluk
Ramanathapuram

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-106244[F]

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