



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2020

CORAM:

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

Crl.O.P.(MD)No.2873 of 2020

and

Crl.M.P(MD) No.1530 of 2020

WEB COPY

K.Mahendran

... Petitioner / 2nd Accused

Vs

1.The State represented by
the Sub-Inspector of Police,
Vathalai Police Station,
Trichy District.
(Crime No.86 of 2018)

... 1st Respondent / Complainant

2.P.Karunanithi,
Revenue Tahsildar,
Musiri Taluk,
Trichy District.
complainant

... 2nd Respondent / De facto

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the FIR in Crime No. 86 of 2018, on the file of the first respondent and quash the same.

For Petitioner : Mr.N.Sudhagar Nagaraj

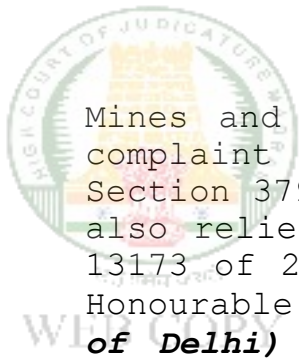
For R-1 : Mrs.S.Bharathi
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.86 of 2018, on the file of the first respondent Police.

2. The learned counsel for the petitioner would submit that though the case has been registered for the offences under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 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, 1957, 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, 1957, 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 first 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, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Tsg

To

1. The Sub-Inspector of Police,
Vathalai Police Station,
Trichy District.

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

+1 CC to Mr.N.SUDHAGAR NAGARAJ, Advocate (SR-7330[F] dated
20/02/2020)

Crl.O.P. (MD)No.2873 of 2020

and

Crl.M.P(MD) No.1530 of 2020

19.02.2020

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