



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.3957 of 2020

and

Crl.M.P. (MD)No.2182 of 2020

1.Manikandan
2.Karthikumar

... Petitioners/Accused No.1&2

Vs

1.State represented by
The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
(In Crime No.251 of 2019)

... Respondent No.1/Complainant

2.Atheeswaran

... Respondent No.2/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the entire relevant records connected to the First Information Report in Crime No.251 of 2019, dated 06.10.2019, pending on the file of the first respondent police station and quash the same as illegal as against the petitioners.

For Petitioner : Mr.R.Karunanidhi

For R1 : Mr.A.Robinson

Government Advocate (Crl.side)

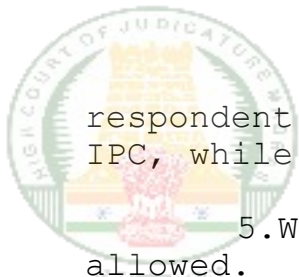
ORDER

Heard the learned counsel on either side.

2.This criminal original petition has been filed for quashing the impugned FIR. FIR has been registered only for the offence under Sections 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. To quash the same, this criminal original petition has been filed.

3.The learned counsel appearing for the petitioners placed reliance on the orders dated 17.10.2019 made in Crl.O.P.(MD)No.14715 of 2019 and in C.C.Appeal No.1920 of 2019 (*Kanwar Singh Vs. State of Uttar Pradesh*). The said decision governs the case on hand. Hence, the impugned FIR is quashed.

4.However, the first respondent is directed to register a fresh FIR on the same cause of action. The Superintendent of Police, Virudhunagar, will issue a memo calling upon the second



respondent as to why the second respondent omitted Section 379 of IPC, while registering the FIR.

5. With this direction, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.

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

+1 CC to Mr.R.KARUNANITHI, Advocate (SR-9885[F] dated 03/03/2020)

Crl.O.P(MD)No.3957 of 2020
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MK (13.03.2020) 2P 4C