



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.17780 of 2019 and

CRL.M.P.(MD)No.10455 of 2019

1. K.Mailerivelan
2. R.Vayanaperumal
3. A.Arumugan
4. M.Muthusamy

... Petitioners/Accused Nos.1 to 4

Vs.

1. State rep. by,
The Inspector of Police,
Elanjambur police station,
Elanjambur,
Ramanathapuram District.
(Crime No.20 of 2017)

... 1st Respondent/Complainant

2. The Village Administrative Officer,
Kumarakurichi Group,
Muthukulathur,
Ramanathapuram District.

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records of First Information Report in Crime No.20 of 2017 dated 29.03.2017 on the file of the respondent police and to quash the same.

For Petitioners : Mr.K.R.Laxman

For R-1 : Mr.A.Robinson,

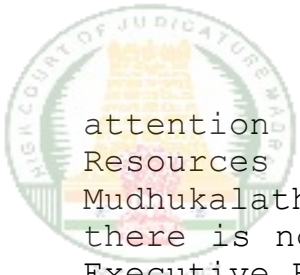
Government Advocate(Cr1. Side).

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O R D E R

The petitioner is shown as accused in Crime No.20 of 2017 on the file of the first respondent for the offences under Sections 379 and 430 of I.P.C. and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

2. The sum and substance of the First Information Report is that the petitioners have quarried unauthorisedly and also damaged the nearby water body. The petitioners' counsel brought to my attention to the fact that there was an agreement entered into between the Director and Assistant Director on 04.03.2016. It was valid up to 03.03.2017. The First Information Report itself came to be registered on 29.03.2017. The learned counsel brought to my



attention to the communication of the Assistant Engineer/Water Resources Public Works Department, Kundaru Water Basin, Mudhukalathur, addressed to the first respondent police stating that there is no damage whatsoever caused to the nearby water body. The Executive Engineer of the very same river basin has also addressed a letter to the District Collector on the same lines on 05.06.2017. The petitioners' counsel draws my attention to the order dated 08.11.2019 made in Crl.O.P.(MD)No.8544 of 2017. Petitioners 1 and 2 in the aforesaid petition are the petitioners in this criminal original petition also.

3. The learned Judge of this Court while quashing the First Information Report in Crime No.83 of 2017 registered on the file of the Mudhukalathur police station had given a categorical observation that the entire complaint is attended by the *mala fides*.

4. In view of the above, continuance of the impugned prosecution is not warranted. The impugned First Information Report in this criminal original petition stands quashed. The criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Inspector of Police,
Elanjambur police station,
Elanjambur,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
3. The Village Administrative Officer,
Kumarakurichi Group,
Muthukulathur,
Ramanathapuram District.

Crl.O.P.(MD)No.17780 of 2019

Dated: 16.03.2020