

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :27.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.2711 of 2021
CRL.MP.No.1492 of 2021

Gowtham

... Petitioner/Accused 3

Versus

The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.
Crime No.275 of 2018

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.275 of 2018 on the file of the Inspector of Police, Nellikuppam Police Station, Cuddalore District and quash the proceedings pending against the petitioner herein.

For Petitioner : Mr.A.Murugavel

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Petitioner / A3 in Crime No.275 of 2018 on the file of the respondent police for the offences punishable under Sections 430, 379 of IPC and Section 21(1) of the Mines & Minerals (Development and Regulation) Act, 1957 has filed this quash petition.

2. The gist of the case is that on 08.06.2018, the defacto complainant, Sub Inspector of Police, Nellikuppam Police Station received information that using bullock cart, some persons are illegally transporting sand from Thenpennnaiyaru. On the basis of the information, police party reached the spot, where, the petitioner along with other two accused were transporting half unit of river sand in a bullock cart without any valid licence and they also attempted to flee away. They were questioned and their identity was recorded. A1 in this case had driven the bullock cart and the petitioner along with other accused have loaded the river sand to the bullock cart. Hence they were arrested, bullock cart and sand were seized.

3. The contention of the learned counsel for the petitioner is that the petitioner at the time of occurrence

was aged about 21 years and now he is aged 24 years. He has completed ITI course in Polytechnic and he had also appeared for competitive exams. Due to the pendency of the petition, the petitioner's future is getting affected and that even if the petitioner is qualified in competitive exams, due to the pendency of the petition he would not be considered for appointment. Further, the petitioner has got no other previous case. The petitioner comes from a poor agricultural family. He is the only one who studied up to this level in his family. Hence prayed for allowing this petition.

4. The learned Public Prosecutor submits that in this case, three accused hail from Thirukandeswaram. They illegally transported river sand using bullock cart. He submitted that the investigation is completed and charge sheet has also been filed as early as on 12.07.2018 before the learned Judicial Magistrate I, Cuddalore and the case is to be transported to the Sub Court.

5. Considered the submissions and on perusal of materials, it is seen that the occurrence had taken place on 08.06.2018. Though, it is submitted that Charge Sheet has been filed before the learned Judicial Magistrate I, Cuddalore as early as on 12.07.2018, it is yet to be forwarded to the Sub Court. From the materials, it is seen that they have taken some sand for construction of bathroom and it was not for any trade. The petitioner has got no antecedents. Considering the fact that the petitioner's future is in question due to the pendency of the petition and that the petitioner was not involved in any other case before, this Court finds continuation of proceedings against the petitioner will amount to abuse of process of law. Taking similar view in respect of other accused also in this case, all further proceedings in Crime No.275 of 2018 on the file of the respondent police and the pursuant Charge Sheet, dated 12.07.2018 filed before the learned Judicial Magistrate I, Cuddalore is quashed with regard to all the accused. Accordingly, this petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

WEB COPY

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

mbi
To

1.The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Judicial Magistrate I,
Cuddalore.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

+lcc to Mr.A.Murugavel, Advocate SR.No. 26195

Cr1.OP.No.2711 of 2021

CRL.MP.No.1492 of 2021

A.SK(09.06.2021)



WEB COPY