



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 29.07.2021

DELIVERED ON : 09.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

CrI.O.P. (MD)No.8495 of 2021

CRL.M.P. (MD) .No.4369 of 2021

1.Robin

2.Ranjith

... Petitioners / Accused No. 1&2

Vs.

1. The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

... Respondent / Complainant

2.Appar,
Special Sub-Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

... Respondent / defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the F.I.R in Crime No.127 of 2021 pending on the file of the Inspector of Police, Thiruvaiyaru Police Station, Thanjavur District and quash the same.

For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

O R D E R

This petition has been filed seeking quashment of Crime No.127 of 2021 pending on the file of the Inspector of Police, Thiruvaiyaru Police Station, Thanjavur District.

2. The case of the prosecution is that on 26.02.2021, the defacto complainant who is the Sub-Inspector of Police, along with the police party were in routine patrol duty. At that time, they found the petitioners, who driven the bullock cart vehicle with transporting ¼ unit of river sand from Kaveri River. On seeing the police party, they run away from the place of occurrence. On the basis of the complaint given by the second respondent, a case in Crime No.127 of 2021 has been registered for the offence punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3. Seeking quashment of the First Information Report, this



petition has been filed mainly on the ground that two cases have been registered within a short span of time which will show that it is a *mala fide* exercise of power on the part of the respondent Police.

4. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

5. As mentioned earlier, the petitioners were found to have transported the river sand in a bullock cart on 26.02.2021 and a case in Crime No.126 of 2021 was also registered against the father of the petitioners by the same police. The time gap between these two First Information Reports in Crime Nos.126 & 127 of 2021 is two hours. According to the petitioners, it is absolutely a *mala fide* one. In Crime No.126 of 2021, the time of occurrence is mentioned as four hours and in Crime No.127 of 2021, the time of occurrence is mentioned as six hours, whereas, the petitioners were found with transporting river sand as mentioned earlier. Except this, there is no valid ground available to the petitioners to show that absolutely, there is *mala fide* exercise of power by the respondent in registering the cases. Probably, these petitioners and their father have involved the illegal sand mining activity. There is no connection between these two cases. Further, during the course of investigation, truth will come out. So, since the investigation process is not completed, this is not a fit case to quash the First Information Report. I find no merit in this petition to quash the First Information Report.

6. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

To

1. The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.



2.Appar,
Special Sub-Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

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

Crl.O.P. (MD)No.8495 of 2021
09.09.2021

NSN(CO)
SB(17.09.2021) 3P 4C