



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.OP.(MD)No.6022 of 2019 &
Crl.MP(MD)No.3882 of 2019

Pandi @ Paulpandi ... Petitioner/Accused No.2

Vs.

1.State Represented by
The Inspector of Police,
Vilathikulam Police Station,
Tuticorin District.
(Crime No.39 of 2017)

... 1st Respondent/Complainant

2.Balamurugan,
Village Administrative Officer,
Vilathikulam,
Tuticorin District.

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the First Information Report in Crime No.39 of 2017 on the file of the respondent Police and quash the same as illegal.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For 1st Respondent : Mr.M.Muthumanikkam,
Counsel for Govt. of Tamil Nadu
(Crl. Side)

ORDER

This petition is filed seeking quashment of FIR in Crime No.39/2017 on the file of the first respondent.

2. The case of the prosecution is that on 02.03.2017, at about 04.00 am, on a tip of information, the defacto complainant made a surprise inspection near Nagalapuram Road, along with a team of Police and Revenue Officers. At about 04.30 am, they found a tipper lorry bearing Registration No.TN 69 BZ 8266 coming from east direction towards Yettayapuram. The said lorry was intercepted and on inspection, the officials found four units of river sand being transported. The driver of the tipper lorry informed the

team that the owner of the vehicle, one Pandi @ Paulpandi, asked them to transport the river sand illegally. The lorry was seized and the driver was taken to custody. Based on the above occurrence, the second respondent lodged a complaint and it was registered in Crime No.39/2017 under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3. Pending investigation, this petition came to be filed by the second accused, who is stated to be the owner of the vehicle, which was involved in illegal transportation of river sand. This petition is filed on the ground that only based upon the statement given by the first accused, this petitioner/second accused has been roped in, in the present case and the petitioner was not involved in any illegal transportation of sand.

4. Heard both sides.

5. The learned Government Advocate would submit that investigation is completed and final report is also made ready, however, the respondent Police has not presented the final report before the concerned Court till date.

6. Admittedly, the offence is reported to be taken place on 02.03.2017. Now, more than four and half years have been lapsed. Even though final report has been made ready after completing the investigation, that was not presented before the jurisdictional Court. For the offence under Section 379 of IPC, maximum punishment is three years. For the offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, maximum punishment that has been prescribed is 2 years or fine which may extend to Rs.25,000/- or both. The maximum period of limitation that has been prescribed under Section 468 of Criminal Procedure Code is three years. Here, even after lapse of four and half years, final report has not been filed. Further, there is no document to show that the second respondent has filed a petition before the concerned Court seeking extension of time under Section 473 of Criminal Procedure Code. Since, the offences are under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, it is clearly barred by limitation and in the facts and circumstances, First Information Report in Crime No.39/2017 on the file of the first respondent Police is liable to be quashed and accordingly quashed.

7. Therefore, without going into the merits of the case, this Criminal Original Petition is allowed on the point of limitation. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Vilathikulam Police Station,
Tuticorin District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.6022 of 2019

22.11.2021

MGJ(07.12.2021) 3P 3C