



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.9400 of 2021
and
Crl.M.P. (MD)No.4805 of 2021

1.Karthikraj

2.Ramar ... Petitioners/1st & 2nd Accused

Vs.

The State of Tamilnadu
represented by
The Sub Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
(Crime No.135 of 2021)

... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records relating to the FIR in Crime No.135 of 2021 on the file of the respondent and quash the same as against the petitioners are concerned.

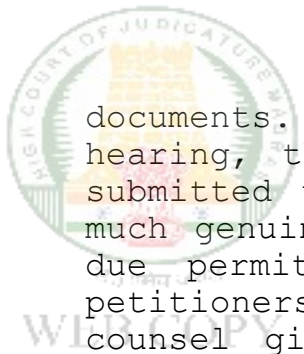
For Petitioners : Mr.N.Kamesh
For Respondent : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.

O R D E R

The petitioners are figuring as accused in Crime No.135 of 2021 registered on the file of the respondent for the offences under Section 379 of IPC and Sections 21(1) and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957.

2.The case of the prosecution is that on 06.03.2021 at around 02.00 am, the petition mentioned vehicle driven by the first petitioner was intercepted and it was found to be carrying m-sand without proper documentation. To quash the said FIR, this criminal original petition has been filed.

3.The categorical stand of the petitioners is that the petitioners were transporting the m-sand under due documentation. When the matter earlier taken up for hearing, the respondent was directed to make a statement regarding the genuineness of the said



documents. Today, ie., 23.11.2021, when the matter was taken up for hearing, the learned Additional Public Prosecutor on instructions submitted that the documents produced by the petitioners are very much genuine. When the petitioners were transporting m-sand under due permit, the question of fastening penal liability on the petitioners does not arise at all. The petitioners through their counsel give an undertaking that they will treat the matter as closed and not initiate any proceeding against the respondent police.

4.Recording the said undertaking of the petitioners given through their counsel, the impugned FIR is quashed and the criminal original petition is allowed. The respondent is also directed to release the petitioners' vehicle forthwith and without any delay. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// 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 Sub Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

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

Crl.O.P (MD)No.9400 of 2021
23.11.2021

ss (CO)

TR/SKN(24.11.2021) 2P 3C