



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)Nos.15333 and 15559 of 2021
and
Crl.M.P. (MD) .Nos.8236 and 8337 of 2021

K.Manickam ... Petitioner/Accused 2
(In Crl.O.P. (MD)No.15333 of 2021)
N.Soundrapandi ... Petitioner/Accused 1
(In Crl.O.P. (MD)No.15559 of 2021)

Vs.

1.State Rep by
The Inspector of Police,
Vadipatti Police Station,
Madurai.
(Crime No.426 of 2021) ...1st Respondent/Complainant
(In both petitions)

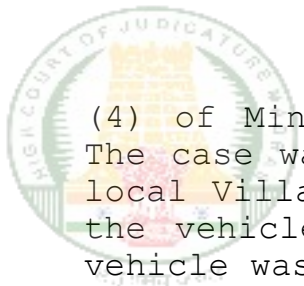
2.M.Muthupandiraja,
The Village Administrative Officer,
Kulasekarankottai Village,
Vadipatti Taluk,
Madurai. ...2nd Respondent/Defacto Complainant
(In both petitions)

Common Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.426 of 2021 on the file of the Vadipatti Police Station, Madurai District and quash the same against the petitioner.

For Petitioner : Mr.S.Ramsundarvijayaraj
(In both Petitions)
For R1 : Mr.E.Antony Sahaya Prabahar
(In both petitions) Additional Public Prosecutor

COMMON ORDER

The Criminal Original Petitions have been filed to quash the FIR in Crime No.426 of 2021 registered on the file of the Vadipatti Police Station for the offences under Section 379 IPC and Section 21



(4) of Mines and Minerals (Development and Regulation) Act, 1957. The case was registered on the basis of the complaint given by the local Village Administrative Officer. The first accused was driving the vehicle. The second accused is the owner of the vehicle. The vehicle was seized and A1 was also arrested.

WEB COPY

2. It is now seen that the Highways Department had engaged one Kishoreman Engineering Private Limited for widening Vadipatti-Katchaikati road. The said contractor had engaged the petition mentioned vehicle for clearing the debris. When the petitioner was engaged in the said work, the impugned FIR came to be registered.

3. The Superintending Engineer, Construction and Maintenance of the Highways Department, Madurai had to intimate the Revenue Divisional Officer, Madurai about the facts. Only thereafter, the vehicle came to be released.

4. The registration of the FIR is illegal. The first petitioner was not engaged in illegal transportation of any mineral. The petitioner was engaged in carrying out Government contract work. However, the petitioner stated that they would treat the matter as closed and not initiate any suit for claiming compensation against local police.

5. Recording above submission, the impugned FIR is quashed. The Criminal Original Petitions are allowed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

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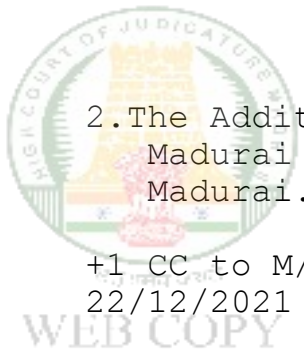
Sub Assistant Registrar(CS)

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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,
Vadipatti Police Station, Madurai.



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

+1 CC to M/s.S.RAMSUNDARVIJAYARAJ, Advocate (SR-40001[F] dated
22/12/2021)

Crl.O.P. (MD) Nos.15333 and 15559 of 2021
21.12.2021

RD(19.01.2022) 3P 4C