



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.18110 of 2021

and

Crl MP(MD)No.9928 of 2021

WEB COPY

V.Palanichamy

... Petitioner /Accused

vs.

1.The Inspector of Police,
Paramakudi Taluk Police Station,
Paramakudi Taluk,
Ramanathapuram District.
(Crime No.251 of 2021)

...1st respondent /
Complainant

2.C.Nagaraju

...2nd respondent/
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.PC to call for the records of the First Information Report under Crime No.251 of 2021 dated 24.07.2021 on the file of the respondent police and to quash the same.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

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

2.This original petition has been filed to quash the impugned FIR in Crime No.251 of 2021 registered on the file of the first respondent for the offences under Sections 379 of IPC and Section 21 (1) of the Mines and Minerals (Development and Regulation) Act, 1957. The second respondent lodged information with the first respondent that on 24.07.2021 at around 12.30 P.M, he seized the contraband from the petitioner's vehicle bearing Registration No.TN 65 Z 4384 with a trailer bearing Registration No.TN 65 Z 4388 having 1 ½ unit Sandy clay.

3.The learned counsel for the petitioner states that the place of seizure is nothing but an agricultural land of the petitioner. There is no record to show that what was seized was brought from some other place. The petitioner has enclosed in the typed set of papers quite a few complaints given by the petitioner pointing out



the illegal and rampant sand mining. In page Page No.5 of the typed set of papers, the petitioner has enclosed the summon dated 13.05.2021 issued by the Tahsildar, Paramakudi calling upon the petitioner for enquiry. It is therefore quite probable that the petitioner was proving to be stumbling block for the sand mining mafia.

4.The Hon'ble Supreme Court in ***State of Haryana vs. Ch.Bhajan Law (1990 SCR Supl. (3) 259*** has held that where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge, then it is certainly a ground for quashing.

5.Applying the aforesaid decision of the Hon'ble Supreme Court to the facts of the case, the impugned FIR stands quashed. This criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

skm

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,
Paramakudi Taluk Police Station,
Paramakudi Taluk, Ramanathapuram District.

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

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-39111[F] dated 16/12/2021)

CrI OP(MD)No.18110 of 2021

and

CrI MP(MD)No.9928 of 2021

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