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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.9576 of 2022

N.Gengayan
S/o.Nagarathinam

... Petitioner

Vs.

1.The Inspector of Police,
Gudiyatham Taluk Police Station,
Gudiyatham, Vellore - District.

2.Mr.Chakkaravarthy,
The Special Sub - Inspector of Police,
Gudiyatham Taluk Police Station,
Gudiyatham, Vellore - District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.582 of 2021 on the file of the 1st respondent, Gudiyatham Taluk Police Station, Gudiyatham, Vellore - District and quash the same.

For Petitioner : Mr.S.Santhan

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate

ORDER

This petition is filed to call for the F.I.R. in Crime No.582 of 2021 on the file of the 1st respondent, Gudiyatham Taluk Police Station, Gudiyatham, Vellore - District, for the offence u/s.379, 430 IPC and Section 21(1) Mines and Minerals (Development and Regulation) Act, 1957 and quash the same.

2.The main contention of the petitioner is that he has not transported the sand illegally in a tractor, whereas he carried 10 units of Murambusoil as per the direction of the Block Development Officer, Gudiyattam vide letter dated 18.12.2021 in Na.Ka.A2/1193/2021, to repair the damaged road.



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3.Learned Government Advocate (Crl. Side) would submit that no such permission was granted to the petitioner to carry the Murambusoil in the tractor bearing Reg. No.TN23DZ1239 as stated by the petitioner. It was stated to be the illegal transportation.

4.When the transporting of mud / sand itself is disputed by the respondent police, it is the matter for evidence. On such ground, the F.I.R. cannot be quashed. It is for the petitioner to establish his case in the trial to prove his innocence.

5.In such view of the mater, I do not find any material to interfere with the investigation of the matter. This Criminal Original Petition stands dismissed accordingly.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Gudiyatham Taluk Police Station,
Gudiyatham, Vellore - District.

2.Mr.Chakkaravarthy,
The Special Sub - Inspector of Police,
Gudiyatham Taluk Police Station,
Gudiyatham, Vellore - District.

3.The Public Prosecutor
High Court of Madras
Chennai 600 104.

Crl.O.P.No.9576 of 2022

NK (CO)
PR (22/06/2022)