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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No.13396 of 2022

and

CRL.M.P.No.7182 of 2022

D.Muruganantham
S/o.Paramasivam

... Petitioner

Vs.

State rep. by:-
The Sub-Inspector of Police
B-3, Kanchi Taluk Police Station,
Kancheepuram

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the F.I.R. in Crime No.305 of 2022 dated 31.03.2022 on the file of the respondent police.

For Petitioner : Mr.D.Saikumaran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the F.I.R. in Crime No.305 of 2022 dated 31.03.2022 filed for the offence u/s.430, 379 I.P.C. r/w Sec 21(1) MMDR Act, 1957 and Section 3(i) TNPPDL Act, 1992 on the file of the respondent police.

2.The allegation in the F.I.R. is that a tipper lorry bearing Regn. No.TN18BA8015 was intercepted by the Deputy Tahsildar and found that it carried four (4) units of gravel without any licence, thereby, F.I.R. came to be registered.

3.Learned counsel for the petitioner would contend that with a proper trip chit and G.S.T. Receipt, the gravel was transported. Therefore, the entire F.I.R. is nothing but an abuse of process of law.



4.Learned Government Advocate (Crl. Side) appearing for the respondent has not disputed that G.S.T. Receipt Bill was issued and in respect of the same, the tipper lorry was seized on 31.03.2022 and the trip chit was also not disputed. When the minerals are transported with valid licence and G.S.T. Receipt that cannot be construed that the minerals / gravel is transported without any licence and it is illegal.

5.From the above submissions, it clear that before filing the F.I.R., the police personnel has acted mechanically even without verifying the documents viz. G.S.T. Bills and trip chit. Further, the police also slapped Section 21(1) MMDR Act, 1957. To prosecute any person for any offence under the said Act, the complaint ought to have been made by the persons authorized in his behalf by the Central Government or State Government.

6.When such being the position, filing of F.I.R. by the police for the Section 21(1) MMDR Act, 1957 is also not proper in law. At any event, when the gravel was transported with valid licence and G.S.T. Bill also issued on the date of travel and the date of transport, this Court is of the view that registering of the F.I.R. in Crime No.305 of 2022 is nothing but only an abuse of process of law.

7.In view of the above, the F.I.R. in Crime No.305 of 2022 dated 31.03.2022 filed for the offence u/s.430, 379 I.P.C. r/w Sec 21(1) MMDR Act, 1957 and Section 3(i) TNPPDL Act, 1992 on the file of the respondent police is hereby quashed.

8.In the result, this criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

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To

1. The Sub-Inspector of Police
B-3, Kanchi Taluk Police Station,
Kancheepuram



2. The Public Prosecutor
High Court of Madras,
Chennai.

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+1cc to Mr.D.Saikumaran Advocate, S.R.No.33934

CRL.O.P.No.13396 of 2022
and
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SMI [co]
NSK/23/06/2022