



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 15.2.2022.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Original Petition No.16378 of 2021
and
Crl.M.P.No.8930 of 2021

D.Tamilselvan

Petitioner

vs.

State rep. by
Inspector of Police,
Salavakkam Police Station,
Chengalpattu District.
(Crime No.87 of 2021)

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in Crime No.87 of 2021 on the file of
the respondent police and quash the FIR.

For Petitioner : Mr.L.Ramu

For Respondent : Mr.A.Gokulakrishnan, APP

ORDER

The petition has been filed to call for the records in Crime
No.87 of 2021 on the file of the respondent police and quash the
FIR.

2. The petitioner, being owner of two lorries bearing
Registration No.TN 11 AK 6907 and TN 11 AK 6922, has come up
with the present petition seeking to quash the FIR in Crime
No.87 of 2021 on the file of the respondent police. The case of
the prosecution is that on 17.4.2021 at about 14.00 hours,
having received a secretion information about transport of river
sand from Palaru by those vehicles unauthorisedly, those
vehicles were intercepted by the respondent police near RRK
Marriage Hall at Thirumukoodal to Binayur and found that the
information was correct on checking of the vehicles and
thereupon, the sand and the vehicles were seized and the case
in Crime No.87 of 2021 came to be registered by the respondent
police against the petitioner and two others.



3. Learned counsel appearing for the petitioner would submit that the case of the prosecution is totally false and the petitioner had transported the sand legally and he was authorised to transport the sand and his vehicles were on Government duty and on the instructions of the Government officials, the petitioner had lifted the sand to deliver the same at Keelkattalai Lake for its renovation work and the drivers of the vehicles were also in possession necessary letter/permission and Challan issued by the Government authorities to transport the sand whereas the respondent has filed a false complaint against them.

4. Learned Additional Public Prosecutor would submit that both the vehicles of the petitioners, when seized by the respondent police, were containing five units of river sand each and the driver of the vehicles were not in possession of any permission letter or permits to carry the sand and thereby the case was registered. He would further submit that the case of the petitioner has some factual disputes whose correctness can be verified only during the course of investigation.

5. Heard the learned counsel appearing for the parties and perused the materials available on record.

6. A perusal of the Affidavit filed by the petitioner shows that 4 units of sand each alone was seized and despite the possession of permission letter of the authority concerned to transport such quantity of sand, the vehicles were seized. However, it is submitted by the learned Additional Public Prosecutor that both the vehicles were seized for carrying 5 units of sand each and the driver did not possess and permission letter as alleged by the petitioner. Therefore, this court is of the view that the case of the petitioner requires an enquiry into such disputed factual aspects.

7. The petitioner directed to produce the relevant documents before the respondent police, who shall conduct an enquiry and file final report within a period of six months from the date of receipt of copy of this order. The Criminal Original Petition is disposed of accordingly. The connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.



To

1. The Inspector of Police,
Salavakkam Police Station,
Chengalpattu District.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P. No.16378 of 2021
and Crl.M.P.No.8930 of 2021

kg (CO)
A.SK(28.02.2022)