



Crl.O.P No.20549 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.20549 of 2021
and Crl.M.P. No.11174 of 2021

G.N.Nagaraj

... Petitioner

Vs.

The State rep. by its,
The Inspector of Police,
Kanakammachatram Police Station,
Thiruvallur District,
Tamil Nadu – 631 204.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the F.I.R. Dated 01.10.2021 in Cr. No.601/2021 on the file of the Respondent police.

For Petitioner : Mr. G.Mohana Krishnan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed to call for the records and quash the F.I.R. in Cr. No.601/2021, dated 01.10.2021, on the file of the Respondent police.

2. The case of the prosecution is that the petitioner was illegally carrying sand in his truck bearing Reg. No.TN-32-Y-9357 and hence a case was registered against the petitioner in Cr. No.601/2021 for the offences under Section 379, 430 IPC and Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957

3. The learned counsel for the petitioner submitted that the petitioner has not involved in any offence as alleged by the prosecution and the place of occurrence is unsuitable for the occurrence to happen.

4. On perusal of the FIR, it is seen that the accused was possessing $\frac{1}{4}$ unit of river sand which is said to have been stolen from Kosasthalai River Bank. However, the learned counsel for the petitioner submitted that it is



impossible to take any sand from the alleged place of occurrence as it is a very narrow passage where 3 ft. height of water is running.

5. It is not the case of the prosecution that the police had noticed the accused taking sand. But the case is that the petitioner seems to be in possession of $\frac{1}{4}$ unit of river sand which is suspected to have smuggled in an unauthorised manner. On the face of it, a case seems to have been made out against the accused for the offences under Section 379, 430 IPC and Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957. At this stage, this Court cannot conduct any roving enquiry. Since prima facie materials are available against the petitioner for registering the FIR, I feel, in the interest of justice the investigation should be continued.

6. In view of the same, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

17.10.2022

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA, J.,

bkn

1. The Inspector of Police,
Kanakammachatram Police Station,
Thiruvallur District,
Tamil Nadu – 631 204.

2. The Public Prosecutor
High Court of Madras.

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