



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1403 of 2022
and
Crl.M.P.(MD)No.1043 of 2022

1.Ramu @ Ram Kumar
2.Subburam

... Petitioners/Accused Nos.1 & 2

Vs.

1.State rep. by
The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi District.
(Crime No.270 of 2021)

2.The Assistant Director,
Tamil Nadu Mines and Minerals,
Thoothukudi,
Thoothukudi District.

... Respondents/
Complainant & Defacto Complainant

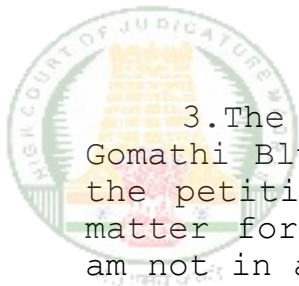
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.270 of 2021 on the file of the Inspector of Police, Ettaiyapuram Police Station, Thoothukudi District and quash the FIR as against the petitioners herein.

For Petitioners : Mr.C.Suresh Kannan, Advocate
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondents.

2.According to the prosecution, the petitioners were transporting M-sand without proper permit. That led to registration of Crime No.270 of 2021 on the file of the first respondent for the offences under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.



3.The petitioners' case is that the material was obtained from Gomathi Blue Metals, who also issued the necessary permit. Whether the petitioners transported M-sand under valid permit or not is a matter for investigation. Since contentious facts are involved, I am not in a position to entertain this criminal original petition.

4.Leaving open the petitioners' contentions and defences, this criminal original petition stands dismissed. The respondents are however directed to take note of the representation made by the petitioners and also the permit produced by the petitioners. If the petitioners' case is found to be true then of-course, final report can be filed closing the case as mistake of fact. Merely because one of the accused was arrested that does not mean that the first respondent should necessarily file a positive final report. The petitioners through their counsel would state that if the case is closed as mistake of fact, they also would treat the matter as closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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,
Ettaiyapuram Police Station,
Thoothukudi District.
- 2.The Assistant Director,
Tamil Nadu Mines and Minerals,
Thoothukudi,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P (MD)No.1403 of 2022
27.01.2022

RS(18.02.2022) 2P-4C

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