



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.4263 of 2022

and

Crl.M.P.(MD) No.3030 of 2022

S.Thiruppathi

...Petitioner/Accused

Vs.

1. The State represented by
The Inspector of Police,
Elanjambur Police Station,
Elanjambur,
Ramnad District.
(Crime No.117 of 2020)

2. Mohammed Uthuman Raja

...Respondents/Complainant

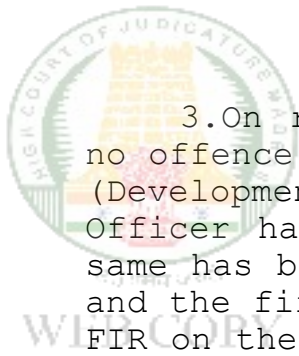
PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the entire records in Crime No.117 of 2020, dated 28.06.2020 pending on the file of the 1st respondent and quash the same as illegal.

For Petitioner	:	M/s.R.Santhanam
For R1	:	Mr.R.M.Anbunithi
		Additional Public Prosecutor

ORDER

The petition has been filed to quash the FIR in Crime No.117 of 2020, which is pending on the file of the first respondent.

2.On perusal of the FIR, it is revealed that the FIR has been registered for the offences under Section 21(1) of the Mines and Minerals (Development and Regulation Act, 1957 in Crime No.117 of 2020, dated 28.06.2020. The petitioner is the sole accused. The second respondent received an information from the first respondent, while he was on duty in S.No.188/1, Modern Temple Oorani, Orivayal Village, which is scheduled to form a playground under Gandhi Rural Development Scheme through the President, Orivayal Village. The remaining sand was scattered after used for construction of a building for separation of waste by decay and non-decay wastes in the year 2019. The scattered sand was gathered by using the hundred days work labours without moving the sand from one survey number to another survey number.



3.On reading the FIR, it is revealed that there is absolutely no offence is made out under Section 21(1) of the Mines and Minerals (Development and Regulation Act, just the Village Administrative Officer has given an information to the first respondent and the same has been registered as FIR. Therefore, there is no sand theft and the first respondent without application of mind, registered the FIR on the information given by the second respondent. There is no allegation as against the petitioner whatsoever and the FIR cannot be sustained for the offence under Section 21(1) of the Mines and Minerals (Development and Regulation Act.

4.In view of the above, the FIR in Crime No.117 of 2020 is quashed. Accordingly, the criminal original petition is allowed. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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,
Elanjambur Police Station,
Elanjambur,
Ramnad District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.SANTHANAM, Advocate (SR-10016[F] dated 04/03/2022)
Crl.O.P.(MD) No.4263 of 2022
04.03.2022

sar(CO)

GC(23.03.2022) 2P 4C