



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

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

Crl.O.P.(MD) No.5477 of 2022

and

Crl.M.P(MD)No.3890 of 2022

Jameem Banu

...Petitioner/Accused No.2

Vs.

1. The State rep by
The Inspector of Police,
Villoor Police Station,
Madurai District.
(Crime No.68 of 2021)

...1st Respondent/Complainant

2.J.Baskarasethu

...2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the FIR in Cr.No.68/2021 dated 12.06.2021 on the file of the inspector of Police Villoor police station Madurai District and Quash the same

For Petitioners	:	Mr.M.Seeni Sulthan
For Respondents	:	Mr.R.M.Anbunithi
No.1		Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime No.68 of 2021, on the file of the first respondent police registered for the offences under Sections 379 of IPC and Sections 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2.The case of the prosecution is that on 12.06.2021 when the defacto complainant was in patrol duty near Kandiyathevanpatti Village area found the first accused driving a lorry bearing Reg. No. TN 64 S 1977 and possessed three units of river sand without any Government permission. However the First Information Report has been registered against the driver of the lorry and the owner of the lorry namely the petitioner herein.

3. On perusal of the First Information Report, there is no *iota* of evidence as against the owner of the lorry. The only allegation against the petitioner is that he is the owner of the lorry, which involved in the crime, driven by the first accused.

4. Without any proof as against the petitioner that she involved in the offence, the name of the petitioner is found in the First Information Report and therefore the First Information Report cannot be sustained as against the petitioner.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.68 of 2021, on the file of the first respondent police, is quashed in so far as the petitioner alone. The first respondent is directed to proceed with the investigation as against the first accused namely the driver of the lorry. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
Villoor Police Station,
Madurai District.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court

Cr1.O.P.(MD) No.5477 of 2022
and
Cr1.M.P(MD)No.3890 of 2022
24.03.2022

MGJ(31.03.2022) 2P 3C