



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1301 of 2019

and

Crl.M.P.(MD)No.641 of 2019

WEB COPY

Kulanthaivelu

... Petitioner/Sole Accused

vs.

1.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

... 1st Respondent/ Complainant

2.The Sub-Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

... 2nd Respondent/
De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records relating to the FIR in Crime No.202 of 2018 on the file of the first respondent herein and quash the same as illegal.

For Petitioner : Mr.T.Veerakumar

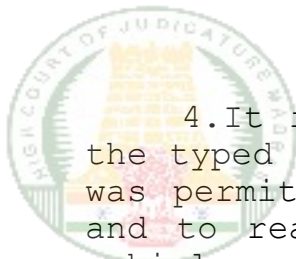
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking orders to call for the records relating to the FIR in Crime No.202 of 2018 on the file of the first respondent and quash the same.

2.The case of the prosecution is that on 16.12.2018 at about 02.00 p.m., the respondent police had intercepted the lorry bearing Registration No.TN-28-BC-1046 loaded with 3 units of sand.

3.The main contention of the petitioner is that the sand involved is only M-sand and after purchasing the sand from Jaypooja Blue Metal on 15.12.2018, the same was transported within the time permitted.



4.It is evident from the records produced by the petitioner in the typed set that the vehicle bearing Registration No.TN-28-BC-1046 was permitted to transport the sand from 15.12.2018 at 04.00 p.m., and to reach the destination on 16.12.2018 at 12.00 a.m. and the vehicle was intercepted by the police at 14.00 hours and as such, the vehicle was not intercepted during the period between 04.00 p.m. on 15.12.2018 and 12.00 a.m. on 16.12.2018. Since the vehicle was intercepted after the period permitted for transportation, the contention of the petitioner that he was having necessary permission to transport the sand cannot be accepted and even if it is so, it is matter for further investigation and for trial and hence, this Court is not inclined to quash the FIR. Considering the above facts and circumstances, this Criminal Original Petition, which is devoid of merits, is liable to be dismissed.

5.In the result, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

csm

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,
Narikudi Police Station,
Virudhunagar District.
- 2.The Sub-Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P. (MD)No.1301 of 2019

and

CrI.M.P. (MD)No.641 of 2019

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