



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.14269 of 2020

&

Crl.M.P. (MD)No.6637 of 2020

WEB COPY

1.P.Saiskumar

2. Manikandan

... Petitioners/

Accused No.1&2

Vs.

The State through
The Inspector of Police,
Thiruverumbur Police Station,
Trichy District

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records of the impugned F.I.R registered by the respondent police in Crime No.1984 of 2020, dated 19.06.2020 and to quash the same.

For Petitioners : Mr.S.Siva Ilayaraja
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal Side)

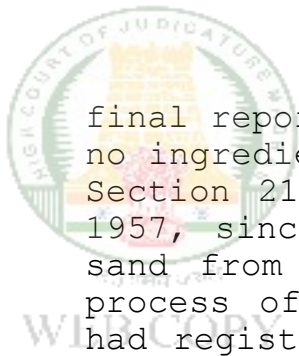
ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 1984 of 2020, on the file of the 1st Respondent.

2.It is seen that even according to the prosecution, the petitioner had shown the valid permit for the lorry bearing Registration No.TN 40 A 7132, to transport the river sand from Trichy to Namakkal. Even then, the first respondent had registered a case for the offences under Section 379 and 21(4) Mines and Minerals (Development and Regulation) Act, 1957.

3.The learned Additional Public Prosecutor would submit that after completion of investigation, the respondent police also filed a final report before the learned Judicial Magistrate, No.VI, Trichy on 28.09.2020 and it is pending for taking cognizance.

4.While admitting this petition, this court has granted interim stay. Even after that, the first respondent filed a final report mechanically without application of mind. That apart, a perusal of final report would show that whatever the allegations made in the first information report, the same was verbatim reproduced in the



final report filed before the learned Judicial Magistrate. There is no ingredients to attract the offence under Section 379 IPC and also Section 21(4) Mines and Minerals (Development and Regulation) Act, 1957, since the petitioner has valid permit to transport the river sand from Trichy to Namakkal. Therefore, it is a clear abuse of process of law. The first respondent, without application of mind had registered the case only for statistical purpose and filed the final report. The entire proceedings in pursuant to the registration of the offence stands vitiated and hence, the same is liable to be quashed.

5. In view of the above, this Criminal Original Petition is allowed and the entire proceedings in Crime No. 1984 of 2020, on the file of the first respondent is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 Judicial Magistrate, No.VI, Trichy.
2. The Inspector of Police,
Thiruverumbur Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SIVA ILAYARAJA, Advocate (SR-10711[F] dated 08/03/2022)

CrI.O.P. (MD)No.14269 of 2020

&CrI.M.P. (MD)No.6637 of 2020

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