



CRL.O.P (MD) No.11344 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.06.2022

CORAM

**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

CRL.O.P (MD) No.11344 of 2022

and

CrI.M.P(MD)No.7157 of 2022

1.G.Karuppasamy  
2.T.Venadeswaran

... Petitioners/Accused Nos.1 & 2

Vs.

1.The State Rep. By  
The Inspector of Police,  
Dhalavaipuram Police Station,  
Virudhunagar District.  
(Crime No.40 of 2022)

... 1<sup>st</sup> Respondent/Complainant

2.Vijayalakshmi

... 2<sup>nd</sup> Respondent/Defacto Complainant

**Prayer:** Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to FIR in Crime No.40 of 2022 on the file of the first respondent police and quash the same.

For Petitioners : Mr.C.Susikumar

For R1 : Mr.M.Sakthikumar  
Government Advocate (CrI.side)

ORDER

This petition has been filed to quash the FIR in Crime No.40 of 2022 on the file of the first respondent police.



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2.The learned counsel for the petitioners submitted that on the direction of the Development Officer, Rajapalayam, the petitioners took three units of sand at Periyakulam Kanmoi, Illanthiraikondan Village for Government purpose. At that time, Ms.Vijayalakshmi, the Revenue Inspector, Rajapalayam came to the spot and seized the sand and the Tractors and gave a complaint. Based on that complaint, the case has been registered. In fact, the Development Officer, Rajapalayam made a resolution and sought permission to the Tahsildar, Rajapalayam, by letter, dated 17.03.2022 for taking three tractors of gravel sand from Illanthiraikondan Kanmoi for Government purpose. Since the permission was not granted by the Tahsildar immediately, the tractors were seized by the respondent police. The petitioners have not taken the sand for personal use, only for the direction of Development Officer, Rajapalayam, they took three units of gravel sand in three tractors and hence, no offence is made out against the petitioner. Therefore, the learned counsel prays for quashing the said F.I.R.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that as per letter dated 17.03.2022 of the Development Officer, Rajapalayam, permission was not sanctioned by the Tahsildar on the date of registering the said F.I.R. He further submitted that the investigation is still pending.



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4.I have considered the submission of the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side) appearing for the respondent police.

5. It seen from the records that on 19.03.2022 at about 19.35 hours Ms.Vijayalakshmi, Revenue Inspector, Rajapalayam Taluk has received an information stating that the petitioners were taking gravel sand illegally by using three Tractors at Periyakulam Kanmoi, Illanthiraikondan Village. Hence, she went to the spot and seized the said sand and vehicles. Based on her complaint, the case has been registered for the offence under Sections 21(4) of Mines and Minerals (Development & Regulation) Act, 1957. At the time, the Revenue Inspector, Rajapalayam Taluk, did not have the knowledge of permission sought by Mr.Sivakumar, Development Officer, Rajapalayam through the letter dated 17.03.2022. Therefore, the case has been registered on 28.03.2022. The Development Officer, Rajapalayam, sent a letter to the Tahsildar, Rajapalayam for taking gravel sand from Periyakulam Kanmoi, Illanthiraikondan Village for the purpose of public work.

6.Though the learned counsel for the petitioner contended that the petitioners have not committed any offence and they have took the sand for the purpose of public work based on the direction of the Development Officer,



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Rajapalayam, no records has been produced to prove the same. Further, the Inspector of Police, Dhalavaipuram Police Station, sent a letter to the Tahsildar on 30.03.2022 to clarify whether any permission has been granted in this regard. But so far, no letter has been received from the Tahsildar, Rajapalayam.

7.Under these circumstances, on perusal of records reveals that the Tahsildar, Rajapalayam has not send any communication or any permission. Hence, it is inappropriate to quash the F.I.R. Therefore, the Inspector of Police, Dhalavaipuram Police Station is directed to clarify whether any permission is granted or not by the Tahsildar. If any permission is granted by the Tahsildar, close the case and if any permission is not granted to take appropriate action.

8.With the above direction, this Criminal Original Petition stands disposed of. Consequently connected miscellaneous petition is closed.

27.06.2022

Index : Yes / No  
vsd



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To

- 1.The Inspector of Police,  
Dhalavaipuram Police Station,  
Virudhunagar District.  
(In Crime No.40 of 2022)
  
- 2.Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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V.SIVAGNANAM, J.

vsd

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