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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:18/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.OP (MD) No.12722 of 2019

and

Cr1.MP (MD) No.7887 of 2019

1.M/s.Coramandal Agencies,
rep. by its Managing Director
R.Veeramani

2.R.Veeramani : Petitioners/A1 and A2

Vs.

1.The State rep. by
Inspector of Police,
Keelavalavu Police Station,
Melur, Madurai District.
(Crime No.195 of 2012) : R1/Complainant

2.A.Parthiban
Village Administrative Officer,
Keelavalavu Village,
Melur, Madurai District. : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in Crime No.195 of 2012 on the file of the Keelavalavu Police Station, Melur, Madurai and quash the same as against the petitioners.

For Petitioners : Mr.I.Subramanian
Senior Counsel
for Mr.R.Anand

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

**ORDER**

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This petition has been filed seeking quashment of the case in Crime No.195 of 2012 on the file of the Keelavalavu Police Station, Melur, Madurai.

2.The case of the prosecution, as mentioned in the complaint is that the de-facto complainant is the Village Administrative Officer, attached to Keelavalavu Village. He has stated in his complaint that the Coramandal Agencies having its Principal Office at Chennai and issued with quarry licence in Survey Nos.264/1, 264/2A, 2B, 2C, 3, 264/4A, 4B, 5 and 6, measuring about 4.25.0 hectares, as per GO.(3D) No.20, dated 06/05/1993. Apart from the above said licensed survey numbers, they were also formed quarry illegally in Survey No.267/2 for about 377 sq. metre, which is a Government poramboke land. On the basis of the complaint given by the de-facto complainant, a case in Crime No.195 of 2012 has been registered for the offences under sections 447, 379, 406, 420 IPC and section 3(1) of TNPPDL Act r/w 4(1)(A), 4(2), A, 4(3) and 21(b)(5) of Mines and Minerals Development Act, 1957 and investigation was undertaken.



3. Pending investigation, this petition has been filed by the petitioners seeking quashment of the entire proceedings on the ground that there are having licence for doing quarry operation in the above said fields and they have not made any quarry operation in Survey No. 267/2, which according to the prosecution, is a Government poramboke land.

4. It is further submitted that the land in survey No. 267 is a patta land and not a Government poramboke land, as contended by the second respondent in his complaint. This land was leased out to M.S Granites and they are operating the same, till 2012. Previously, lease was granted to one Vellaiyan from 1988 to 1995 and thereafter to M.S. Granites from 1995 to 2005. Later, the above said M.S. Granites filed WP(MD) No. 4148 of 2005 to continue the quarry operation, since the renewal application was not disposed of by the concerned authority. According to the petitioners, in short, without properly undertaking any verification of records, FIR has been registered. Even after a lapse of 10 years, the investigation has not been completed.



5.It is also submitted that on the basis of the investigation report, show cause notice was issued on 13/01/2013 stating that A1 made illegal quarry operation in survey No.297/1, which is a parai poramboke land. But actually, that land was also leased out to TAMIN.

6.Heard both sides.

7.When the learned Senior counsel appearing for the petitioners was about to commence his argument, the learned Additional Public Prosecutor would submit that a wrong information has been given by the 2nd respondent in the complaint that quarrying operation is carrying on by the petitioners in Survey No.267/2, which is a Government poramboke land. But actually during the course of investigation, it was found that quarry operation is carrying on in survey No.275/2. According to him, final report is also made ready and they are going to file the final report before the concerned court. If the petitioners are aggrieved by the final report, they can work out their remedy before the appropriate court. According to him, the matter has become infructuous.



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8. But the learned Senior counsel appearing for the 2nd petitioner has stated very many credits in the petition about himself and his company. It appears that he has been appointed as Committee Chairman by the Ministry of Commerce, Government of India to suggest the ways and means to achieve export growth of 30% in Dollar terms in respect of export of cut and polished granites business. The man, who is heading such a highbred committee has indulged in such sort of quarrying operation is unthinkable.

9. The learned Senior counsel appearing for the petitioners would further submit that even at the time of hearing of the main petition, interim stay was granted and so, the matter must be disposed on merits.

10. Now without going into the other aspects, let us straightway go the final report, that has been prepared by the first respondent.

11. The petition can be disposed of on a short premise.



12.Let me extract the contents of the final report
in short:-

"Totally 16 persons were arrayed as accused persons, wherein the first petitioner is A1 and the 2nd petitioner is shown as A2 as Managing Director. It has been stated that all the accused persons joined with A1 and they have committed illegal quarry operation in survey No. 275/1, which is a Government poramboke land and patta in survey No.264/7. In pursuance of the above said conspiracy, they have also created a forged lease agreement.

13.In the final report, the following penal sections are mentioned:-

"Sections 447, 379, 434, 420, 465, 467, 468, 471, 304(ii) IPC r/w 109, 114, 511 IPC and Section 3(i), 4 of TNP(PD & L) Act 1992 & Section 6 r/w 3(a), 4(a) of Explosive Substances Act 1908 r/w 120B IPC."



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14.It has been mentioned that by the above said process of illegal quarrying, they have caused wrongful loss to the Government to the tune of Rs.4.64 crores and the reason for wrongful mentioning the Survey No.267/2 has also been stated by the de-facto complainant during the course of investigation. So, it is seen that now the petitioners wants to take advantage of the wrong particulars that have been given by the de-facto complainant in the complaint. But during the course of investigation, materials have been collected to show that the petitioners alleged to have been involved in the illegal quarrying operation and they caused wrongful loss to the Government to the tune of Rs.4.64 crores.

15.The offence of such magnitude and involvement of so many persons, require thorough trial process. Even though, interim order of stay has been granted at the time of admission based upon the materials that have been made available to the court at the time, that cannot be taken advantage by the petitioners, in view of the subsequent developments.



16.It is also seen that the petitioners are also involved in such case also in PRC No.29 of 2018, which is pending for trial to be commenced.

17.So in the light of the above said development, I am of the considered view that no ground worth considering is made out and it requires thorough trial process. I find no merit in this petition.

18.In the result, this criminal original petition is **dismissed**. But however, the first respondent is directed to file a final report immediately before the concerned court. On such filing of the final report, the concerned court is directed to process the final report as per the rules and proceed in accordance with law. Consequently, connected Miscellaneous Petition is closed.

18/04/2022

Index:Yes/No
Internet:Yes/No
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To,
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- 1.The Inspector of Police,
Keelavalavu Police Station,
Melur, Madurai District.
- 2.The Village Administrative Officer,
Keelavalavu Village,
Melur, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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Note :

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