



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

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

CRL OP(MD) . No.16905 of 2021

&

CRL MP(MD) . No.9153 of 2021

WEB COPY

G.Ramachandran

... Petitioner/Accused Rank not known

Vs

1. The state of Tamil Nadu

Represented by

The Inspector of Police,

Thiruvadanai Police Station,

Thiruvadanai,

Ramanathapuram District. ... 1st Respondent/Complainant

2. S.Chitradevi

... 2nd Respondent/

Defacto Complainant

PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records relating to FIR in Crime No.31 of 2021 pending on the file of the respondent police and quash the same against the petitioner.

For Petitioner : Mr.K.Samidurai

For Respondent : Mr.B.Thanga Aravindh

R1 Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Cr.No.31 of 2021, on the file of the first respondent.

2.The case of the prosecution is that the petitioner and other accused persons were indulged in commission of theft of gravel (savudu). Therefore, a case in Crime No.31 of 2021, registered for the offences punishable under Section 379 IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 registered against the accused persons.

3.The learned counsel appearing for the petitioner submitted that in view of the bar under Section 22 of the Mines and Minerals (Development and Regulation) Act, 1957, the police has no power to investigate the said offence and the Court shall take cognizance only on a complaint filed by a person authorised by the Central Government or State Government.



4.The learned Government Advocate (Crl.Side) submitted that the petitioner is arrayed as one of the accused and he admitted that he is the owner of the seized vehicles.

5.In this case, no accused persons were identified by the second respondent, only the vehicles, which were loaded with savadu sand were seized by him. The present complaint is nothing, but registered only for the statistical purpose against the petitioner and the FIR cannot be sustained. The pendency of FIR would not serve any purpose.

6.Accordingly, this Criminal Original Petition is allowed and thereby, FIR in Crime No.31 of 2021, on the file of the first respondent is hereby quashed, insofar as the petitioner alone. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// 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 Inspector of Police,
Thiruvadanai Police Station,
Thiruvadanai,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-13969[F] dated 23/03/2022)

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&

CRL MP(MD) . No.9153 of 2021

Date : 21/03/2022

MGJ(25.04.2022) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>