



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2022

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) .No.18741 of 2021

1.Selvam
S/o.Gopalakrishnan
2.Selvam
S/o.Raju
3.Bose ...Petitioners/Accused

Vs.

1.The Superintendent of Police,
Sivagangai.
2.The Inspector of Police,
Sipcot Police Station,
Manamadurai,
Sivagangai District. ...Respondents/Complainants

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash in Cr.No.168 of 2021 on the file of the Sipcot Police Station, Manamadurai, Sivagangai District.

For Petitioners : Mr.S.Asaithambi

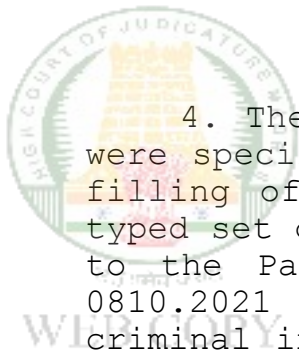
For Respondents : Mr.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

2.The petitioners are figuring as accused in Cr.No.168 of 2021 registered on the file of the Inspector of Police, Sipcot Police Station, Sivagangai District, for the offences under Section 379 IPC and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957.

3. The case of the prosecution is that when the police parties were conducted their routine patrol inspection on 10.10.2021 at around 06.30 hours they intercepted the vehicles bearing Registration Nos.TN-72-R-9648, TN-63-H-0299 and TN-15-T-3861, they found that all the three vehicles were carrying one unit of gravel each. The petitioners were driving the said vehicles and there upon they were arrested. Hence, this Criminal Original Petition has been filed to quash the FIR.



4. The stand of the petitioners is that all the three vehicles were specifically engaged by the Local Panchayat for the purpose of filling of pits formed near the local Government School. In the typed set of papers, the letter sent by the Headmaster of the School to the Panchayat and the resolution passed by the Panchayat on 0810.2021 have also been enclosed. Only if the petitioners had criminal intent to transport the minerals, they can be made accused in this case. But, in this case, there is no such intent to transport the minerals. They are after all drivers engaged by the Local Panchayat for the purpose of filling of pits in the local Government School. Though, I would not blame the respondent police for having registered the case, since the aforesaid facts have come to light, it is not necessary to continue the prosecution any longer.

5. In view of the above, Cr.No.168 of 2021 on the file of the second respondent police is quashed and accordingly, this Criminal Original Petition is allowed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Superintendent of Police,
Sivagangai.

2.The Inspector of Police,
Sipcot Police Station,
Manamadurai,Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

+1 CC to M/s.S.ASAITHAMBI, Advocate (SR-1970[F] dated 21/01/2022)

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20.01.2022

MGJ(02.02.2022) 2P 5C