



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

CrI.O.P.No.9516 of 2022

V.Mohan

.. Petitioner

Vs.

State rep.
The Inspector of Police,
Minjur Police Station,
Thiruvallur District.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to quash the FIR as against the petitioner/A2 pending
investigation in Crime No.59 of 2017 on the file of the Inspector of
Police, Minjur Police Station, Tiruvallur District.

For Petitioner : Mr.K.Sivakumar

For Respondent : Mr.A.Gopinath, GA (CrI. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner
to quash the FIR as against the petitioner/A2 pending investigation



in Crime No.59 of 2017 under Sections 379, 430, 353, 307 of IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1967 on the file of the Inspector of Police, Minjur Police Station, Tiruvallur District.

2. The contention of the learned counsel for the petitioner is that the alleged occurrence took place on 26.01.2016 but the FIR has been registered only after one year i.e., on 27.01.2017. He submitted that the petitioner was not the owner of the subject vehicle and no way connected with the said offences. He further submitted that the petitioner has been falsely implicated in this case due to political vengeance by the respondent police

3. The learned Government Advocate submitted that the statements made in the complaint constitutes the offences for which a case has been registered against the petitioner herein. He further submitted that the offences relates to exploitation of nature which causes harmful to the environment and water bodies and are of serious in nature and hence, vehemently opposed for quashing the FIR.



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4. Heard Mr.K.Sivakumar, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) appearing on behalf of the State.

5. In the State of Kerala, there was a report submitted by Senior Environmental Engineer referred to in a judgment reported in **CHANDRASEKHARAN PILLAI VS. STATE OF KERALA (1998 (2) K.L.J. 195)**. On the question whether the extraction of sand causes environmental degradation, it was stated as follows:-

"The extraction of sand will cause environmental degradation such as :

(a)This will spoil the normal gradient (slope) of the river bed and thereby affect the self-clearing velocity of the river.

(b)This will give chances to the accumulation of silt and dirts and affects water quality.

(c)Reduces ground water table during summer and causes drinking water shortage.

(d)Land slide on river banks.

(e)Affects the water management structures, bridges, retaining walls etc."



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6. In another decision in the case of ***State of Tamil Nadu Vs. Hind Stone, (AIR 1981 SC 711)***, it has been observed as follows:

"Rivers, forests, minerals and such other resources constitute a nation's natural wealth. These resources are not to be frittered away and exhausted by any one generation. Every generation owes a duty to all succeeding generations to develop and conserve the natural resources of the nation in the best possible way. It is in the interest of mankind. It is in the interest of the nation."

7. An illegal extraction of mines and minerals, without requisite permit or in violation of the permit conditions, will amount to theft under Section 379 of the Indian Penal Code. This Court is of the considered opinion that illegal sand mining and knowing fully well about the evil consequences affecting the environment and society at large and the implications thereon by illegal quarrying/mining, theft and smuggling of sand and minerals, ignorance and feigned ignorance of law cannot be excused. These cases come within the category of cases of large magnitude



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affecting and impacting livelihood of a very large number of people knowingly and unknowingly. Though the individual seizure may seem small, small drops make a big ocean. Taking into account, the implications of illegal sand quarrying which not only affects our economy but also exploits our natural wealth which paves the way for destruction of the environment, this Court is not inclined to quash the FIR against the petitioner.

8. For all the foregoing reasons, the Criminal Original Petition stands dismissed.

11.12.2023

Index:Yes/No

NCC :Yes/No

DP



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VIVEK KUMAR SINGH.J,

DP

To

- 1.The Inspector of Police,
Minjur Police Station,
Thiruvallur District.
- 2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.9516 of 2022

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