



Crl.O.P.No.22329 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 16.03.2023**

**CORAM:**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.22329 of 2022**

**and**

**Crl.M.P.No.14371 of 2022**

Balakrishnan

...

Petitioner

**Vs.**

1.The State Represented by  
The Inspector of Police,  
Naduveerapattu Police Station,  
Cuddalore District.

2.Siva Karthickeyan

...

Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the connected records made in Crime No.408/2022 on the file of Inspector of Police, Naduveerapattu Police Station, and quash the same as illegal to secure ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.S.Santhosh  
No.1 Government Advocate (Crl. Side)



Crl.O.P.No.22329 of 2022

### **ORDER**

This Criminal Original Petition is filed to call for the connected records in Crime No.408 of 2022, on the file of the Inspector of Police, Naduveerapattu Police Station and quash the same as illegal to secure ends of justice.

2.The learned counsel for the petitioner submitted that he is owner of the lorry bearing No.TN-47 AQ 0156. One P.Malarkodi got license for mining in S.Nos.274/1, to an extent of 0.28 ares and in 274/2 (P) to an extent of 1.34 ares 1.62.0 hectares for the period from 06.07.2022 to 05.07.2024. Petitioner's lorry bearing No.TN-47 AQ 0156 was given permit for transporting gravel. Only on the basis of the permit given, petitioner's lorry was used for transporting the gravel and in the course of transport, the lorry was intercepted at about 21.05 hours on 12.08.2022 and the case came to be registered in Crime No.408 of 2022, for the offences under Sections 430 & 379 IPC and 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957. Gravel was lawfully transported with permit and registration of the case against the petitioner is illegal and therefore this petition.



Crl.O.P.No.22329 of 2022

3.The learned counsel for the petitioner produced the permit given to P.Malarkodi for the perusal of this Court.

4.This Court directed the learned Government Advocate (Crl.Side) to verify as to the genuineness of this permit. The learned Government Advocate (Crl.Side) after verifying with the concerned authority, Mr.Kandan SSI, Naduveerapattu Police Station, submitted that the permit issued in favour of P.Malarkodi is genuine.

5.When it is seen from the permit given to P.Malarkodi that she was granted lease for gravel in the abovesaid survey numbers for the period from 06.07.2022 to 05.07.2024 and the lorry bearing No.TN-47 AQ 0156 was used for transport of gravel on 12.08.2022, this Court is of the view that registration of the case against the petitioner and Driver in Crime No.408 of 2022, for the offences under Sections 430 & 379 IPC and 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957 is not lawful and therefore, this Court is of the view that the petitioner is entitled for quashment of the proceedings against him in Crime No.408 of 2022, on the file of the Inspector of Police, Naduveerapattu Police Station.



Crl.O.P.No.22329 of 2022

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6. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.408 of 2022, on the file of the Inspector of Police, Naduveerapattu Police Station, is quashed. Consequently, connected miscellaneous petition is closed.

**16.03.2023**

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1. The Inspector of Police,  
Naduveerapattu Police Station,  
Cuddalore District.

2. The Public Prosecutor,  
High Court of Madras.



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Crl.O.P.No.22329 of 2022

**G.CHANDRASEKHARAN, J.**  
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