



CRL.O.P.Nos.25654 & 25783 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl.O.P.Nos.25654 & 25783 of 2021

M.Kumaravel

.. Petitioner/ Accused in both cases

Versus

The State rep by
Sub Inspector of Police,
Brammadesam Police Station,
Villupuram District.
(Crime No.22/2020)

.. 1st respondent in both cases.

S.Balaji
Village Administrative Officer,
Kizharungunam,
Marakannam.

... 2nd Respondent / defacto
complainant in both cases.

Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure to call for the records in Cr.Nos.22/2020 & 1143/2020 respectively on the file of Brammadesam Police Station, Villupuram District.

In Both Cases



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For Petitioner : Mr.G.Sathishkumar
For Respondent-1: Mr.A.Gopinath,
Government Advocate (Crl.Side).

COMMON ORDER

The Criminal Original Petitions have been filed to quash the proceedings in Cr.Nos.22/2020 & 1143/2020 respectively on the file of Brammadesam Police Station, Villupuram District.

2. Heard the submissions made by the learned counsels on either side and perused the materials available on record.

3.The learned counsel for the petitioner submitted that the records would not disclose any prima facie case against the petitioner; the petitioner has been wrongly implicated in these cases and no other recovery in the form of any material is done, except the alleged machineries available at the spot no other materials have been recovered; the petitioner has been wrongly implicated in these cases and prosecution against the petitioner will not serve any purpose.

4.The learned Government Advocate (Crl.side) for the first respondent police submitted that only if the investigation allowed to go on, it can be known what kind of materials have been stolen or kept under the custody of



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the petitioner; the averments in the complaint would disclose a prima facie case against the petitioner, hence the petition should be dismissed.

5. On perusal of the records, it is seen that on 11.01.2020 at about 8.30 pm when the special officer scrutinized the records of the quarry, the petitioner was involving in breaking stones for the purpose of illegal sale.

6. Even though the petitioners seems to be given a license for the period of 23.03.2014 to 22.03.2019, the occurrence is seemed to have occurred subsequent to that period and for which there was no license in force. The materials disclose the criminal cause of action. Hence, I feel no reason to stop the investigation by quashing the proceedings at his threshold stage.

In the result, the Criminal Original Petitions are **dismissed**.

10.01.2023

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
Neutral: Yes /No
jrs

R.N.MANJULA, J.,

jrs



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To:

1.The Judicial Magistrate, Mahe

2.The Commercial Tax Officer
Commercial Taxes Department
Mini Civil Station, 2nd Floor,
Mahe.

3.The Public Prosecutor(Puducherry).
High Court, Madras.

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