



Crl.O.P.No.32033 of 2022

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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.32033 of 2022

and

Crl.M.P.No.19691 of 2022

1. K.Siva
2. S.Akash
3. A.Dinesh
4. G.Arunpandian
5. M.Kottai
6. Maniyamuthu Sekar
7. P.Rajalakshmi

... Petitioners

Vs

1. State rep. by
The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
(Crime No.142 of 2022)

2. C.S.Kumar

... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records on the file of the 1st respondent police in Crime No.142 of 2022 and to quash the same.

For Petitioners : Mr.P.Kannan Kumar

For Respondent 1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.142 of 2022 on the file of the 1st respondent registered for the offences under section 379 of IPC as against the petitioners.

2. The respondent police registered FIR alleging that the petitioners who are lorry drivers and lorry owners, on 02.08.2022 at 3.00a.m. near Pudukkombai Village have allegedly transported gravel soil without permission. The Defacto-complainant who is serving as Village Administrative officer has stopped the vehicle. The lorry drivers abandoned the four lorries and ran away from the spot. Therefore, the 2nd



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respondent handed over the vehicles to the 1st respondent police on which a case was registered by the 1st respondent in Crime No.142 of 2022.

3. The learned counsel for the petitioners submitted that these petitioners are lorry drivers and owners. The owners of all four lorries have entered into an agreement to run their lorries on rent basis to Renaatus Projects Private Limited-RPP Infra Projects Limited (JV), M/s.Renaatus-RPP JV, Chennai.34. The company was awarded with contract No.OCB/CKICP/MC-2/EPC-13, Chennai-Kanniyakumari Industrial Corridor Project by the Government of TamilNadu. These petitioners have transported gravel sand from Pudhukulam lake. In fact the Executive Engineer, Salem also issued proceedings in favour of the M/s.R.P.P. Infra Projects Ltd., Erode for taking sand from the Pudukulam lake comprised in S.No.108. Therefore, these petitioners are having valid permit to transport the sand. Therefore, the learned counsel for the petitioners prayed to quash the proceedings in Crime No.142 of 2022.



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4. Heard, the learned counsel appearing for either side.

5. On perusal of the records this court find that these petitioners have got valid permit to transport the gravel sand. Without even considering the same, the 1st respondent registered FIR in Crime No.142 of 2022 for the offences punishable under sections 379 of IPC which cannot be sustained and liable to be quashed.

6. Therefore, the entire proceeding in Crime No.142 of 2022 on the file of the 1st respondent is hereby quashed against these petitioners and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

30.11.2023

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order



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To

- 1) The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
- 2) The Public Prosecutor,
High Court Madras.



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G.K.ILANTHIRAIYAN, J.

gvn

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