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

**DATED : 03.08.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Crl.O.P.No.34363 of 2019**

T.Ramachandran, M/A-52 years  
S/o.Thimmaiya @ Thmmaiah

...Petitioner/Accused-1

Vs

1.The state through  
The Inspector of Police  
Uthanapalli P.S.  
Krishnagiri District.  
Crime No.165 of 2012

... Respondent/Complainant

2.The Deputy Superintendent of Police  
District Crime Branch  
Krishnagiri District  
Krishnagiri.

..Respondents/Complainant

3.Mr.Ramasamy  
Village Administrative Officer  
Nagamangalam  
Denkanikotgtai Circle  
Krishnagiri District.

(R3 is impleaded as per order in Crl.MP.1564/2020  
in Crl.OP.No.34363/2019 dt.6.2.2020)

**PRAYER:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records and quashing the charge sheet in SC.No.125 of 2019, on the file of the learned District and Sessions Court, Krishnagiri as against the petitioner.

For Petitioner : Mr.S.Gajapathi Krishnan



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For Respondents : Mr.E.Raj Thilak  
Additional Public Prosecutor  
for R1 and R2

### **ORDER**

This criminal original petition has been filed by A1 to quash the proceedings in S.C.No.125 of 2019, pending on the file of the learned District and Sessions Court, Krishnagiri.

2.The case of the prosecution is that A1 is running a crushing unit in the name of Ramachandra Crushing Company Private Limited, at Nagamangalam, Krishnagiri District. On 28.7.2012, the officials belonging to geology and Mines Department and other official witnesses inspected the quarry and it was found that the accused persons (A1 to A12) for the period from 3.7.2008 to 28.2.2012 have committed illicit quarrying of stones without paying seigniorage fees and by using high explosives. It is further alleged that they have committed damage to the property and thereby, they had caused loss to the Government to the tune of nearly Rs. 5.40 crores. Based on the complaint given by one Ramasamy, an FIR came to be registered in Crime No.165 of 2012 for offence u/s.379 IPC r/w Section 3(1) of the Tamil Nadu Prevention of Damage to Public Property Act, 1984 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3.The investigation was taken up and the final report was filed before the Court



below as against 12 accused persons and the Court below took cognizance of the final report for offences mentioned supra and also for offence u/s. 4(a) of Explosive Substances Act, 1908. Aggrieved by the same, A1 has filed this quash petition.

4. Heard Mr.S.Gajapathi Krishnan, learned counsel for the petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor for R1 and R2.

5. The main ground that was urged by the learned counsel for the petitioner is that the offence was committed by the Company and its officials by illegally quarrying for the period from 3.7.2008 to 28.7.2012. However, the petitioner who was the Director of the Company had resigned from the Company with effect from 3.10.2006. To substantiate the same, the certified copy of Form 32 issued by the Registrar of Companies, Coimbatore, was also placed before this Court. It was therefore contended that the criminal prosecution cannot be continued as against the petitioner.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. While considering a quash petition, this Court should not take into account the documents produced by the defence. This Court has to merely look into the allegation made in the final report along with the other materials filed along with the final report.



The only exception that has been permitted is where the document that is produced by the defence is of sterling quality. The Apex Court has held that such a document can be taken into account by the Court in order to ensure that a person does not face a criminal prosecution unnecessarily when he is not even in the scene at the time of the alleged occurrence.

8.In the instant case, even as per final report, the illegal quarrying of stones had taken place during the period from 3.7.2008 to 28.7.2012. At this point of time, the petitioner was not the Director of M/s. Ramachandra Crushing Company Private Limited and he had retired as early as on 3.10.2006. Even on a careful reading of the statements recorded from the witnesses, there is nothing to show that the petitioner was physically present at the time of inspection and was involved in the illegal quarry.

9.In the light of the above discussion, the continuation of the proceedings as against the petitioner (A1), will amount to an abuse of process of Court which requires the interference of this Court u/s.482 of Cr.PC. Accordingly, the proceedings in S.C.No.125 of 2019, pending on the file of the District and Sessions Court, Krishnagiri, is hereby quashed only insofar as the petitioner (A1) is concerned.

10.In the result, this criminal original petition is allowed and there shall be a



direction to the Court below to complete the proceedings in S.C.No.125 of 2019, as against the other accused persons, within a period of six months from the date of receipt of copy of this order.

**03.08.2023**

Index : Yes/No  
Speaking order:Yes/No  
KP

To

- 1.The state through  
The Inspector of Police  
Uthanapalli P.S, Krishnagiri District.
- 2.The Deputy Superintendent of Police  
District Crime Branch  
Krishnagiri District, Krishnagiri.
- 3.Mr.Ramasamy  
Village Administrative Officer  
Nagamangalam  
Denkanikotgtai Circle  
Krishnagiri District.
4. District and Sessions Court  
Krishnagiri.
- 5.The Public Prosecutor,  
High Court, Madras.

**N.ANAND VENKATESH, J**



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