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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29/03/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.5032 of 2023
and
Cr1.MP(MD)Nos.4455 and 4456 of 2023

Pandi : Petitioner/A1

Vs.

- 1.The Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District.
(Crime No.28 of 2021) : R1/Complainant
- 2.Vagai M.Pandian,
Village Administrative Officer,
O, Karisalkulam Group,
Ramanathapuram District. : R2/De-facto Complainant

PRAYER:- This Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for records pertaining to the impugned order in CC No.344 of 2022 on the file of the Judicial Magistrate, Kamuthi and quash the same as far as the petitioner is concerned and pass such other orders.



For Petitioner : Mr.S.Ramasundaravijayaraj
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking quashment of the case in CC No.344 of 2022 on the file of the Judicial Magistrate, Kamuthi.

2.The facts in brief:-

The first accused Pandi was doing contract work for some other person as Benami and by using Hitachi sand digging machine belonging to the second accused, taken away the sand and stored in his property. On information from the Village Administrative Officer, the Revenue Officials inspected the property. The first accused came to the spot and abused the Government officials in filthy language and criminally intimidated. He also prevented them from discharging their official duty. They caused loss about Rs.1,00,000/- to the Government. On the basis of the above said occurrence, a case was registered in Crime No.26 of 2011 for the offences punishable under sections 353, 506(ii) and 379 IPC. After completing the formalities of investigation, charge sheet was filed and



it was taken as CC No.344 of 2022 by the Judicial Magistrate, Kamuthi.

3. Seeking quashment of the same, this criminal original petition has been filed by the petitioner on the ground that without any proper material, final report has been filed against this petitioner making the above said implication; Except the above said bald ground, no other ground worth considering has been made against this petitioner.

4. Heard both sides.

5. Reading of the CD file and other connected records shows that this petitioner only taken the sand from the place of occurrence and stored the same in his property. The photographs also shows that large heap of sand stored in the place.

6. *Prima facie*, it is seen that the occurrence has taken place by way of taking the sand illegally and storing. Whether, this petitioner along with the others, caused criminal intimidation and prevented the Government



Officials from discharging their duty are all matters for consideration by the trial court. Those factual aspects cannot be taken by this court, while exercising the jurisdiction under section 482 Cr.P.C. So I find no reason to quash the criminal proceedings, it must be taken to its logical conclusion.

7.In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

29/03/2023

Index:Yes/No
Internet:Yes/No

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To,

- 1.The Judicial Magistrate,
Kamuthi.
- 2.The Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

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29/03/2023