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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP (MD) No.12855 of 2022

Sasipraba : Petitioner/A1

Vs.

1.The State:

The Inspector of Police,
Chinnamanur Station,
Theni District.

(In Crime No.1146 of 2021) : R1/Complainant

2.Murugan : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records of the impugned First Information Report in Crime No.1146 of 2021 on the file of the 1st respondent Police Station and quash the same as illegal and pass such further or other orders.

For Petitioner : Mr.D.Rameshkumar
for Mrs.S.Prabha

For 1st Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)



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3. Seeking quashment of the same, this petition has been filed by the petitioner on the ground that the police have no right to register the FIR for the offence mentioned by the de-facto complainant.

4. Heard both sides.

5. Without going into the legality of the registration of the FIR under section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, we will concentrate on the other issue, that has been raised by the petitioner.

6. The petitioner already leased out the property to conduct the quarry operation to one Karthick and quarry licence was also granted by the de-facto complainant with certain conditions, the survey number in which the quarrying operation is permitted is also mentioned.

7. Now the case of the prosecution is that some illegal sand mining activity was undertaken by the co-accused in the property, which was not permitted for quarry. It is further submitted that the licensee namely



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Karthick admitted the guilt, the compounded the offence as per the order of the District Collector. This is also confirmed by the Revenue Divisional Officer, Uthamapalayam, by his letter, dated 06/06/2022. Over the above said illegal sand mining activity, he was imposed with fine of Rs.6,25,392/- and that was also paid by the above said Karthick. So, this document shows that only Karthick is involved in illegal sand mining activity, for which the owner of the property namely the petitioner herein cannot be held responsible. So on that sole ground, this petition is liable to be allowed.

8.In the result, this criminal original petition is **allowed**. The FIR in Crime No.1146 of 2021 on the file of the 1st respondent is hereby quashed as against the petitioner.

13/06/2023

Index:Yes/No
Internet:Yes/No
er

G. ILANGO VAN, J



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To,

- 1.The Inspector of Police,
Chinnamanur Station,
Theni District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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