



Crl.O.P.(MD)No.11255 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.11255 of 2023
and Crl.M.P.(MD).No.8902 of 2023

1.Jeyakumar

2.Poolar

... Petitioners/Accused Nos.1 & 2

Vs.

1.The State rep. by,
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
(Crime No.158 of 2022)

... 1st Respondent/Complainant

2.Pandian

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to Crime No.158 of 2023 dated 10.12.2022 on the file of the Inspector of Police, Nathampatti police Station, Virudhunagar District and quash the same in so far as this petitioner is concern.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.B.Nambiselvan for R1
Additional Public Prosecutor



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ORDER

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This criminal original petition has been filed to call for the records pertaining to Crime No.158 of 2023 dated 10.12.2022 on the file of the Inspector of Police, Nathampatti police Station, Virudhunagar District and quash the same in so far as this petitioner is concern.

2.The facts in brief:

Case in Crime No.158 of 2022 was registered on the basis of the complaint given by the Village Administrative Officer, Nathampatti stating that on 10.12.2022 at about 4.15 p.m. in the evening, when he was going to Taluk Office, Sivakasi, he found a Tipper Lorry bearing Registration No.TN 69 AC 3809 in that place. It was loaded with red sand. He intercepted the above said vehicle and demanded the driver to produce license, trip sheet, permit, etc., The driver of the lorry namely Jeyakumar gave the permit. On perusal of the permit it was found that only gravel sand must be transported. But in the lorry it was loaded with red sand measuring about 3.50 units worth about Rs.7,500/-. On the basis of the above said, the case was registered.

3.The main ground on which the petition came to be registered is that originally license or permission was granted in favour of one



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Balasubramanian by the order dated 08th December 2022. The above said permit was valid upto 12th December 2022. The permit was granted to transport gravel sand in vehicle bearing registration No.TN 66 AC 3809. The date of occurrence is 10.12.2022, which is within the above said permit period. The vehicle number is also tallies with that of the above said permit. Since the vehicle is having proper permit and one Balasubramanian is also granted with license. The petitioner is the driver. Other persons travelled in the vehicle, they have been also charge sheeted.

4.Accordingly, this criminal original petition is allowed. The FIR in Crime No.158 of 2023, dated 10.12.2022 on the file of the first respondent is hereby quashed in respect of the petitioners. Consequently, connected miscellaneous petition is closed.

23.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
TM



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To

1. The Inspector of Police, Nathampatti Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN. J.

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