



CrI.O.P.(MD)No.11775 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.11775 of 2023 and
CrI.M.P.(MD)Nos.9301 and 9305 of 2023

1.Dhanasekaran

2.Kamaraj

... Petitioners/Accused Nos.1 & 2

Vs.

1.The State rep. by,
The Inspector of Police,
Thallakulam Police Station,
Madurai District.

... 1st Respondent/Complainant

2.Mr.Deiva Arul

... 2nd Respondent/Defacto complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned Charge Sheet in P.R.C.No.119 of 2023 pending on the file of the Judicial Magistrate Court No.II, Madurai and Quash the same.

For Petitioners : Mr.M.Govindarajan

For Respondent No.1 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER



Crl.O.P.(MD)No.11775 of 2023

records relating to the impugned Charge Sheet in P.R.C.No.119 of 2023 pending on the file of the Judicial Magistrate Court No.II, Madurai and to quash the same.

2. The case of the prosecution is that during the course of inspection on 23.03.2022, the petitioners said to have illegally transported 6 cbm of gravel sand without valid permit by using vehicle bearing Regn.No.TN 59 AR 9742 around 3.20 am and hence, case has been registered against the petitioners in Crime No.236 of 2022 for the offence under Section 379 IPC r/w. Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 and after enquiry final report was filed in PRC.No.119 of 2023 on the file of the Judicial Magistrate Court No.II, Madurai. Challenging the same, the petitioner has filed the present petition.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

4. The learned counsel appearing for the respondent Police would submit that the competent Authority viz., Town Planning Authority issued permission, dated 21.03.2022 to the petitioners for utilizing the vehicle which was mentioned by the petitioners found to be in that place for the



Crl.O.P.(MD)No.11775 of 2023

purpose of transportation of sand. He would further submit that as per the Government Scheme, Smart City Development Work, permit was also issued to the petitioners on 13.01.2022, which is prior to the above said permission, dated 21.03.2022 and the said work has to be completed on or before 12.05.2022. The date of occurrence said to be taken place which is within the above said period. So, the petitioner would submit that no offence is made out as against this petitioner.

5. Finding that the said submission is correct, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.119 of 2023, on the file of the Judicial Magistrate Court No.II, Madurai is quashed. Consequently, the connected Miscellaneous Petitions are closed.

30.06.2023

Index : Yes/No
Internet: Yes/No
trp



Crl.O.P.(MD)No.11775 of 2023

To

1. The Judicial Magistrate Court No.II, Madurai
2. The Inspector of Police,
Thallakulam Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.11775 of 2023

G.ILANGO VAN, J.,

trp

Crl.O.P.(MD)No.11775 of 2023 and
Crl.M.P.(MD)Nos.9301 and 9305 of 2023

30.06.2023