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Crl.O.P.(MD)No.16529 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13/10/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.16529 of 2023

and

Crl.MP(MD)No.13145 of 2023

1.Sundarraaj
2.Gurumoorthy : Petitioners/A1 and A2

Vs.

1.State represented by
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(In Crime No.181 of 2023) : R1/Complainant

2.Karthikeyan,
The Revenue Inspector,
Vembakottai,
Virudhunagar District. : 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.181 of 2023, dated 06/07/2023 on the file of the Vembakottai Police Station, Virudhunagar District and quash the same and pass such further or other orders.

For Petitioners : Mrs.S.Mahalakshmi

For Respondents : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)



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O R D E R

WEB COPY This criminal original petition has been filed seeking quashment of the FIR in Crime No.181 of 2023 on the file of the Vembakottai Police Station, Virudhunagar District.

2.The case of the prosecution in brief:-

The de-facto complainant is the Revenue Inspector. On 06/07/2023, he received information that in the oorani situated in Rajiv Colony, K.Madathupatti, illegal sand mining has been taken. Along with the Revenue officials, they inspected the area. At that time, strengthening of bund was underway. A vehicle bearing registration No.TN-67-AV-5745 was found loaded with gravel fitted with unregistered trailer. That was seized. Finding that no proper permit or licence was available for transporting the above said gravel. On that basis, a case in Crime No.181 of 2023 was registered against two persons for the offences under section 379 IPC and section 4(1)(1A) & 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957.

3. Seeking quashment of the same, this petitioner has been filed by the petitioners on the ground that the first petitioner is the owner and the second petitioner



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is the driver. The above said vehicle was used for strengthening the bund, as per the permission granted in the proceedings in Na.Ka.No.Aa6/2198/2023, dated 05/07/2023. But in the above said proceeding, an error occurred by mentioning a wrong vehicle number instead of TN-67-AV-5745. That was also corrected and correct permit was also granted.

4.To establish the above said fact, the petitioners also produced a copy of the order, dated 05/07/2023 issued by the Block Development Officer, Vembakottai. Wherein, it has been stated that under the Village Rural Development Scheme, 2022-2023, work was sanctioned under the above said scheme. One among the area is mentioned as Survey No.127/3 measuring about 3.72.5 Hectares. It is a Government odai. To strengthening the bund for storage, the vehicle bearing registration No.TN-65-AL-1684, TN-69-BY-1436, TN-67-AB-1745, TN-67-qq-0747, TN-33-qi-5239, TN-76-W-2115, TN-55-p-7822, TN-39-qq-0757 and TN-67-ARE-1740 were originally mentioned. But later, it has been corrected on the next day, on 06/07/2023 by the Block Development Officer.

5.It is seen that without noticing the above said correction of the permission, vehicles have been seized



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as if it transported unlicensed mines. On that sole ground, this petition is liable to be allowed.

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6.In the result, this criminal original petition stands **allowed**. The FIR in Crime No.181 of 2023 on the file of the 1st respondent is herein quashed against the petitioners. Consequently, connected Miscellaneous Petition is closed.

13/10/2023

Index:Yes/No
Internet:Yes/No

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To,

- 1.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar.
- 2.The Revenue Inspector,
Vembakottai,
Virudhunagar.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

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