



Crl.O.P.(MD).No.18877 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.18877 of 2023
and Crl.M.P.(MD).No.14947 of 2023

Dhanadurai Singh

... Petitioner

Vs.

1. The State rep by
The Inspector of Police
Thattaparai Police Station,
Thoothukudi District.
Crime No.48/2023.

2. Subbiah
Special Revenue Inspector (Mineral)
Department of Geology and Mining,
District Collectorate,
Thoothukudi District.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the proceedings in Crime No.48/2023 on the file of the Inspector of Police Thattaparai Police Station, Thoothukudi District and quash the same as illegal in so far as the petitioner concerned.



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For Petitioner : Mr.S.Vishnuvardhan
For R1 : Mr.M.Sakthi Kumar
Government Advocate
(Crl.side)

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.48 of 2023 on the file of the 1st Respondent Police.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.48 of 2023 for the offences punishable under Sections 379 of IPC.

3.On the ground that the petitioner was only engaged by one Contractor for the purpose of strengthening the bund, as per the permission granted by the District Collector, dated 18.07.2023, this petition has been filed seeking quashment of the FIR. The learned counsel for the petitioner would submit that the petitioner has not taken the sand on his own. He has produced some documents for that purpose.



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4.The learned Government Advocate (Crl. Side) was required to verify the genuineness of the document produced by the petitioner. It was submitted that the documents are genuine in nature. Perusal of records shows that the District Collector sanctioned and granted permission for renovation work in several Villages. One among the Village is the present occurrence Village namely Thimmarajapuram. Work is also mentioned in column No.2 as desilting and deepening, providing Bathing Ghat and Retaining Wall, etc., at Neeravi Urani in Perurani Village, Thimmarajapuram Panchayat. Tender was also called for and after finalizing the Tender, Work permit was also granted, as per the order of the Block Development Officer, dated 19.07.2023.

5.In view of the above said, I find absolutely no illegality in taking the sand by the petitioner as an employee of the Original Contractor. Without ascertaining the proper facts, it appears that the complaint was given. Upon which the case was also registered. On that ground, the continuation of criminal proceedings may not be proper and legal. Therefore, this Court is inclined to quash the above said FIR.



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6. Accordingly, this criminal original petition stands allowed and the FIR in Crime No.48 of 2023 is hereby quashed in respect of the petitioner. Consequently, connected miscellaneous petition is closed.

29.11.2023

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

To

1. The Inspector of Police
Thattaparai Police Station,
Thoothukudi District.
Crime No.48/2023.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

TM

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