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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25/04/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.1809 of 2023

and

Cr1.MP(MD)No.1614 of 2023

R.Ramesh : Petitioner/A2

Vs.

1.The State rep. by
The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
(In Crime No.181 of 2022) : R1/Complainant

2.Mr.U.Ananthamaran,
Sub Inspector of Police,
Thirumayam Police Station,
Pudukottai 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 relating to the FIR in Crime No.181 of 2022 on the file of the 1st respondent and quash the same as illegal as against the petitioner and pass such further or other orders.

For Petitioner : M/s.C.Geetha

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

**ORDER**

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This criminal original petition is filed seeking quashment of the FIR in Crime No.181 of 2022 on the file of the 1st respondent.

2.The facts in brief:-

The de-facto complainant namely the Sub Inspector of Police, attached to Thirumayam Police Station, *suo motu* registered a case, on 18/07/2022 for the offences under section 379 IPC and sections 21(1) and 21(2) of Mines and Minerals (Development & Regulation) Act, 1957 with the following allegations:-

On 18/07/2022 at about 02.00 pm along with the police team were on regular petrol duty, at about 04.30 pm, when they were in surveillance near the Thirumayam Unaiyur Kanmai, they found a Tipper Lorry bearing registration No.TN-63-BR-1112 loaded with sand. On seeing the police party, the driver stopped the vehicle and ran away. On research, they found 5 units of gravel sand. There is no permission for transport of the above said gravel. The vehicle was seized along with the gravel sand





Exactly on the above said date only, the District Collector has granted permission to take the gravel. On the basis of the registration of the complaint, several steps taken by the petitioner to get the vehicles returned. Later, the District Collector, Pudukottai, by order, dated 01/12/2022, on the basis of the report from the police and other Department, imposed fine of Rs.50,000/- upon the petitioner as compounding the amount and ordered release of the vehicle. The order is, dated 11/02/2022.

6.Now the grievance of the petitioner is that in spite of that, so far the alleged vehicle was not released. The police has stated that the case is pending before the concerned court and the vehicle was ordered to be produced to the court for remanded.

7.Now it is more or less well settled that mere compounding of the offence will not absolve the criminal liability. But here, this petitioner is not involved in the above said occurrence and only the hirer of the vehicle alleged to have taken. This petitioner cannot be held responsible for the above said act of the hirer of



the vehicle. On the sole ground, this petition is liable to be allowed.

8.In the result, this criminal original petition stands **allowed**. The FIR in Crime No.181 of 2022 on the file of the 1st respondent is hereby quashed as against the petitioner. Consequently, connected Miscellaneous Petition is closed.

25/04/2023

Index:Yes/No
Internet:Yes/No
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To,

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



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G.ILANGOVAN, J

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