



Crl.O.P.(MD).No.21469 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

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THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.21469 of 2023

and

Crl.M.P.(MD).No.16803 & 16802 of 2023

- 1.Prakash
- 2.Yogesh
- 3.Manikandan
- 4.Amalraj

... Petitioners

Vs.

- 1.State rep.by
Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.
(Cr.No.250/2022)

- 2.Chandran

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the Impugned Proceedings in C.C No. 486 of 2023 on the file of the Judicial Magistrate court, Tenkasi and quash the same.



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For Petitioners : Mr.C.Saravanakumar
For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate
(Crl.side)

ORDER

This petition is filed to quash the impugned proceedings in C.C.No.486 of 2023 on the file of the Judicial Magistrate Court, Tenkasi.

2.The case of the prosecution is that on 02.06.2022, at 04.30 p.m, all the petitioners said to have illegally transported four units of pond sand by using tractor with trailer bearing Registration No.TN 76 U 9252, TN 76 E 2902. Upon which, a case in Crime No.250 of 2022 was registered for the offences under section 379 of IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. Thereafter, the respondent police filed a final report and the same was taken cognizance in CC No.486 of 2023 by the Judicial Magistrate Court, Tenkasi.

3.The learned counsel appearing for the petitioners straight away relied upon the order passed by the District Collector, Tenkasi, dated 28.06.2022, permitting to take sand in several places as detailed in the list annexed with the order, on the basis of the petition submitted by the



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several persons. In pursuance of the above said order, the Assistant Executive Engineer, Water Irrigation Sub Division, Tenkasi also issued an order on 28.07.2022, permitting the persons to take the sand by imposing certain conditions. One among the condition is that they must take sand only for the purpose of agriculture. As per the above permit, they were permitted to take 61 units of sand. During the course of bail proceedings, a direction was issued by this Court to the Assistant Executive Engineer to verify whether the sand that was taken by the petitioner exist within the limit. The Assistant Executive Engineer verified the same and sent a letter to the first respondent Police stating that totally 61 units of sand was permitted to take between 01.08.2022 to 05.08.2022. The accused and others have taken 57 units of sand, on the date of occurrence is stated to be on 02.06.2022.

4.The grievance of the petitioners is that without verifying the above said verification report, the respondent Police filed the final report stating that the petitioner violated the permission and taken out the sand illegally.



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5.Considering the submission made by the learned counsel appearing for the petitioners and considering the verification report of the Assistant Executive Engineer, Water Irrigation Sub Division, Tenkasi, the permission is given by the District Collector, Tenkasi, no criminality arrested, hence, the criminal proceedings against the petitioner is liable to be quashed.

6.Accordingly, this Criminal Original Petition is allowed and the Proceedings in C.C No. 486 of 2023 on the file of the Judicial Magistrate court, Tenkasi, is hereby quashed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

29.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSG



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To

- 1.The Judicial Magistrate Court,
Tenkasi.
- 2.The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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