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Crl.O.P.No.7646 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.O.P.No.7646 of 2024
and Crl.M.P.No.5546 of 2024**

P.M.Sridhar Reddy

... Petitioner

Vs.

1. The Sub Inspector of Police,
Gudiyatham Police Station,
Gudiyatham,
Vellore District.

2. Prabhu

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Crime No.307 of 2019 on the file of the 1st respondent police and quash the same in so far as the petitioner concerned.

For petitioner : Mr.L.Balajiram

For R-1 : Mr.K.M.D.Muhilan

ORDER

This petition has been filed seeking to quash the proceedings in Crime No.307 of 2019 on the file of the 1st respondent police and quash the same in so far as the petitioner is concerned.



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2. The case of the prosecution is that the petitioner is the owner of Eicher Medium Goods Vehicle bearing Regn.No.TN 23 CC 6013 and he engaged a driver to drive the said vehicle for commercial purpose. However, it is alleged that the driver of the petitioner's vehicle has misused the said vehicle by transporting sand illegally, due to which the impugned FIR has been registered by the first respondent as against the petitioner on 14.07.2019 u/s.379, 430 of IPC r/w. Section 21(1) of Mines and Minerals (development and Regulation) Act 1957. Aggrieved over the same, the petitioner has filed the present petition.

3. The learned counsel appearing for the petitioner would submit that the respondent Police has registered a case against the petitioner without considering the real fact. He would further submit that there is no specific overtact against the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent Police would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and hence, he



would pray to dismiss the present petition.

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5. On a reading of FIR, there appears to be some materials for the investigation to proceed. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, the first respondent Police is directed to conclude investigation in Crime No.307 of 2019 within a period of four weeks from the date of receipt of a copy of this order.

01.04.2024

Index : Yes/No
Internet : Yes/No
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To

1. The Sub Inspector of Police,
Gudiyatham Police Station,
Gudiyatham,



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Vellore District.

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M.DHANDAPANI. J.

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3.The Additional Public Prosecutor,
Madras High Court.

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