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Crl.O.P.No.19609 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.19609 of 2022

and

Crl.M.P.No.12906 of 2022

1.Boopathy

2.Ashok

3.R.Manimaran @ R.Mahavishnu

... Petitioners

Vs.

1.State Rep. by its

The Sub Inspector of Police,

Thoppur Police Station,

Dharmapuri District.

Crime No.172 of 2022

2.The Tahsildar (Revenue)

Nallampalli Taluk,

Dharmapuri District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records and to quash the FIR in Crime No.172 of
2022, pending investigation on the file of the 1st respondent.

For Petitioners

For R1

:Mr.T.Sai Krishnan

:Mr.S.Vinoth Kumar

Government Advocate (Crl.Side)



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ORDER

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The petitioners have filed this petition to quash the FIR in Crime No.172 of 2022 pending investigation on the file of the 1st respondent, for the offences under Sections 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, as against the petitioners.

2. The case of the prosecution is that on 14.07.2022, at 8.00 p.m., alleging that he inspected the site which according to him is a Government Poamboke land together with other officers on the basis of secret information received and that it was noticed that A1 and A2 were illegally lodging gravel sand in the Tipper Lorry using the JCB without any permission and there was about 1 unit of gravel sand in the Tipper Lorry and that they secured Tipper lorry as well as JCB and the police arrested the petitioners 1 and 2 , who are the driver and the owner of the JCB and A3 is the owner of the Tipper Lorry. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they were no way connected with the



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alleged occurrences and a false complaint has been foisted against them.

Hence, he prays to quash the proceedings in Crime No.172 of 2022.

4. The learned Government Advocate (Crl. Side) submitted that the petitioners were illegally removed the gravel sand for commercial purpose without any valid licence. Based on the complaint lodged by the defacto complainant FIR has been registered in Crime No.172 of 2022 for the alleged offences under Sections 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. He further submitted that the investigation is only at preliminary level, hence he opposed to quash the proceedings at FIR stage.

5. Considering the facts and circumstance, and also considering the submission made by the learned Government Advocate (crl.Side) and the investigation is only at the stage of preliminary level and it needs detailed investigation, therefore, this Court is not inclined to quash the proceedings in Crime No.172 of 2022, pending on the file of the 1st respondent.

