



Crl. O.P.No. 21424 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.21424 of 2024

and

Crl.MP.No.12269 of 2024

1. P.Sankar
2. N.Samundeeshwari
3. K.Sarathi
- 4.C.Sowrivel

.. Petitioners

Vs.

1. The State represented by
The Inspector of Police,
Magaral,
Kancheepuram District-631603.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, to call for the entire records in FIR bearing Cr.No.290 of 2019 dated 17.09.2022 pending on the file of the 1st respondent police for offences under Section 379 of IPC r/w 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 and quash the same.

For Petitioners : Mr.G.Viswanathan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioners are owners of the Taurus lorry bearing Regn.No.TN-21-BK-9583 and its driver.

2. This Criminal Original Petition is filed to quash the Cr.No.290 of 2022 registered on 17.09.2022 which is pending on the file of first respondent's police for offence under Section 379 of IPC r/w 21(1) of Tamil Nadu Mines and Minerals (Development & Regulation) Act, 1957.

3. According to the petitioners, Sakkaï stone (சக்கைக்கல்) were transported in their Taurus lorry from the patta land of one Manavalan with valid permit. However, case has been registered against them as if they have transported 4 units of sakkaï stone with expired permit. Enclosing the copy of the permit bearing No.31772 issued by the Joint Director of Mines and Minerals dated 12.09.2022 to transport four units of way stones which is valid upto 21.09.2022.

4. The learned counsel appearing for the petitioners submits that on 17.09.2022 at about 07.00p.m., the stone was transported from the patta land of Manvalan. In spite of valid permit, FIR was registered against them as if they have transported illegally without valid permit.



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5. The learned Government Advocate (Crl.Side) appearing for the respondent police on getting instructions from the Investigating Officer submits that FIR was registered on 17.09.2022 at 16.30 hours, based on the complaint given by the Assistant Zoologist, Department of Zoology and Mining. He further submits that at the time of transporting sakkai stone in their lorry, the permit shown by the persons for transporting the mines, found to be expired.

6. The foundation of the complaint is that transporting way stones without valid permit and the permit was found to be expired. However, the copy of the permit produced by the petitioner herein indicates that he had valid permit to transport four units of way stones in lorry bearing Regn.No.TN-21-BJ-9582. The quarry incharge has filled up the details in the permit is available with the petitioner. The prosecution for transporting minerals without valid licence/expired license appears to be baseless. Hence, the prosecution against this petitioners stands quashed.

7. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

30.09.2024

Vv



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To

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- 1.The Inspector of Police,
Magaral,
Kancheepuram District-631603
- 2.The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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