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CrI.OP.No.22581 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.22581 of 2024

and

CrI.MP.No.12856 of 2024

1. V.Baranikumar
2. D.Dhanasingu
3. Gunaseelan
4. Sivakumar
5. Evarnamoorthy
6. Suresh Vishwakarma

.. Petitioners

Vs.

1. State rep. by
Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.
CrI.No.153 of 2024
2. A.Kannan
Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records on the file of the 1st respondent police in Cr.No.153/2024 and to quash the same by allowing the above Criminal Original Petition.



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For Petitioners : Mr.N.Palani Kumar
For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)
for R1

ORDER

The petitioners herein are arrayed as accused in Cr.No.153 of 2024 dated 30.06.2024 registered on the complaint given by the Inspector of Police, Naduveerapattu Police Station, Cuddalore District.

2. The allegation found in the complaint which is supposed to attract Sections 430, 379 of IPC and 21(1) of Mines and Minerals and Development and Regulation Act, 1957 is that three units of gravel been loaded in five vehicles from the quarry without any licence and permission. Therefore, the said vehicles were seized for illicit transport of mines and minerals, complaint has been lodged against six persons including this petitioner and the same is under investigation.

3. The learned counsel appearing for the petitioners submits that the site where the vehicles seized is the land of one Dhananchezhian, who has a valid permit for quarry from his land and the proceedings issued by the Assistant Director, Geology and Mines, Cuddalore dated



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10.11.2022 is valid upto 09.11.2024. Therefore, the averments in the complaint regarding theft of minerals will not arise and also the allegation that without licence, mineral transported is also incorrect and therefore case has to be quashed. He further submits that the complainant as well as the Investigating Officer is one and the same and therefore for that reason also, FIR has to be quashed.

4. Learned Government Advocate (CrI.Side) appearing for the respondent police submits that it is a case of illicit transport of minerals without valid permit. On the complaint given by the Inspector of Police, case has been registered and it is under investigation.

5. The learned Government Advocate further submits that it is incorrect to say that the person who registered the complaint itself is investigating the matter. The Investigation Officer is not the person who gave the complaint. He further submits that permit for quarry and transport of mines and minerals are two different aspects which has to be probed and even if the minerals are taken from permitted quarry, transport without transit pass will attract the offence under the Mines and Minerals Act.



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6. In view of the facts and circumstances, it is appropriate to direct the respondent police to ensure whether the alleged minerals were taken from a permitted quarry and whether it was attempted to be transported, since the specific defence in the quash petition is that the mineral was taken from the own patta land and was supposed to be used to level the patta land of the land owner Dhananchezhian. After investigating these aspects, the respondent police shall proceed and file report accordingly. The said process to be completed within a period of one month from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petition is closed. Consequently, the connected miscellaneous petition is closed.

13.09.2024

Vv

To

1. The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.

2. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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