



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 28421 of 2022
& Crl. MP. No.17471 of 2022

- 1 S.SELVAM
S/O. SELVARASU MARIYAMMAN KOVIL STREET
PERANGIYAM THITAKUDI TALUK CUDDALORE
DISTRICT.
- 2 AVINASH
S/O. MUTHULINGAM MARIYAMMAN KOVIL STREET
PERANGIYAM THITAKUDI TALUK CUDDALORE
DISTRICT.
- 3 KAVIYARASAN
W/O. KARUNANITHI MARIYAMMAN KOVIL STREET
PERANGIYAM THITAKUDI TALUK CUDDALORE
DISTRICT.

[PETITIONERS]

Vs

- 1 THE INSPECTOR OF POLICE
RAMANATHAM POLICE STATION CUDDALORE
DISTRICT. CRIME NO. 415/2022.



2 THE VILLAGE ADMINISTRATIVE OFFICER PERANGIYAM THITAKUDI TALUK
CUDDALORE DISTRICT.

[RESPONDENTS]

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records in Crime No.415 of 2022 on the file of the respondent and quash the same.

For Petitioner : Mr.T.Dharani
For Respondents : Mr.S.Vinoth Kumar, Government
Advocate Criminal side

ORDER

The petitioners herein filed this petition to call for the records in Crime No.415 of 2022 on the file of the respondent and quash the same.

2. The case of the prosecution is that on 08.10.2022, at about 7 a.m., the petitioner along with other persons illegally mining the gravel sand with the help of JCB at Perangiyam without getting proper permission from the Government. Thereafter based on the complaint of the Village administrative officer respondent police lodged a FIR in crime No. 415 of



2022, under Section 379, 430 of IPC and 2191) of Mines and Minerals (Development and Regulation)Act 1957.

3. The learned counsel for the petitioner submits that the petitioners were digging Well in the private patta land in survey No. 62/1 for the agricultural purposes and also there is eyewitness to prove the same.

4. Admittedly, as per the FIR allegation the petitioner digging in their own land and also there is no prime facie material on the side of the prosecution to prove the transportation of sand from the Government land and also there is not bad antecedents against the petitioners. Hence, this Court is inclined to quash the FIR in No. 415 of 2022.

5. In the result, this petition is allowed. No Cost. Consequentially, connected miscellaneous petition is closed.

09.02.2024

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To

The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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