



CrI.O.P.(MD) No.1155 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.1155 of 2024

and

CrI.M.P.(MD) No.783 of 2024

1.Lingasamy

2.Vengatraman @ Venkitaraman

3.Rajapandi

4.Jothiraman

5.Selvakannan

6.Manoj

...Petitioners

vs

1.The Inspector of Police,
Villoor Police Station,
Madurai District,
Crime No.74 of 2023

2.Manimurugan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying, to call for the records relating to the Crime No.74 of 2023 pending



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on the file of the 1st respondent/police and quash the same as against the petitioners.

For Petitioners : Mr.G.Karuppasamy Pandiyan
For R1 : Mr.M.Veeranthiran
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioners submits that this Criminal Original Petition is filed to quash the FIR in Crime No.74 of 2023 on the file of the first Respondent. It is his further submission that the Petitioners 1 to 5 are the Drivers. They were engaged by the 6th Petitioner to bring the gravel removed from the patta land of Thangamari, for which the 6th Petitioner had obtained prior permission from the Revenue Authorities through the Village Administrative Officer, B1, Thennamanallur Group, Kallikudi Taluk, Madurai District.

2.Also, the learned Counsel for the Petitioners furnished the copy of the permission granted by the Village Administrative Officer, B1, Thennamanallur Group, Kallikudi Taluk, Madurai District. While so, the first Respondent on the basis of the complaint given by the second



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Respondent had registered a case against the Petitioners in Crime No.74 of 2023 for the offences punishable under Section 379 IPC and Sections 4(1) (1A) and 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957.

3.The learned Counsel for the Petitioners relied on the certified copy of the remand report as well as the order of the remand of the learned District Munsif cum Judicial Magistrate, Peraiyur, wherein the offence under Section 379 IPC was not taken cognizance by the learned District Munsif cum Judicial Magistrate, Peraiyur. When the offence under Section 379 IPC is rejected by the learned District Munsif cum Judicial Magistrate, Peraiyur, then what remains in the FIR is offences under Mines and Minerals (Development & Regulation) Act, 1957. He would further submit that as per the reported rulings of the Hon'ble Supreme Court and as per the Mines and Minerals (Development & Regulation) Act, 1957, the Police Officers cannot register a case under IPC for the offences attracting this particular case. Only the Official can prefer a private complaint. Therefore, he seeks to quash the FIR.



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4.The learned Government Advocate (Crl.side) submits that the Village Administrative Officer of the Village had permitted the accused to remove the gravel only up to 04.00 pm., Also, the distance between the patta land of Thangamari and the 6th Petitioner is 1 km., away. The attempt of the Petitioners seeking return of the vehicle was dismissed by the learned Special Judge.

5.Section 22 of the Mines and Minerals (Development & Regulation) Act, 1957, reads as under:

“22.No court shall take cognizance of any offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Central Government or the State Government.”

6.Considering the submission of the learned Counsel for the Petitioners and the provisions under Section 22 of the Mines and Minerals (Development & Regulation) Act, 1957, the submission of the learned Counsel for the Petitioners is found acceptable. Therefore, the FIR in Crime



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No.74 of 2023 on the file of the first Respondent is hereby quashed as far as the Petitioners are concerned.

In fine, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

Internet: Yes./No
Index: Yes/No
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29.01.2024

To

- 1.The Inspector of Police,
Villoor Police Station,
Madurai District,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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