



CRL OP(MD). No.4663 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.4663 of 2022
and CrI.M.P.No.3291 of 2022**

Senthil Kumar

... Petitioner

Vs

1. State Rep by,
The Inspector of Police,
Tamil University Police Station,
Thanjavur.
(Crime No.157 of 2022)

2. S. Seenivasarav
The Assistant Director,
Department of Geology and Mining,
Thanjavur.

... Respondents

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C.,
to call for the entire records and quash the complaint as well as the FIR
in Crime No.157/2022 pending investigation on the file of the
respondent.

For Petitioner : M/s. K.Pragadeesh Kumar

For Respondents : M/s. S. Manikandan for R1
Government Advocate (Crl.Side)

No Appearance for R2



CRL OP(MD). No.4663 of 2022

ORDER

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This petition was filed to quash the complaint as well as the FIR in Crime No.157/2022 pending investigation on the file of the respondent.

2.The case of the prosecution is that a complaint has been lodged by the de-facto complainant stating that 2 units of sand was illegally transported by the petitioner in a lorry bearing Registration No.TN-38-V-2328.

3.The learned counsel for the petitioner would submit that the petitioner has transported only white B sand with proper permit and receipt from Pudukottai to Thanjavur. It is further submitted that the petitioner has nothing to do with the alleged transport of river sand and he has been falsely implicated in this case and hence, prays for interference.

3. The learned Government Advocate (Crl. Side) would submit that on completion of investigation, charge sheet has been laid before the jurisdictional court under Section 379 IPC.



CRL OP(MD). No.4663 of 2022

4. Though it is the case of the petitioner that he has transported white B sand, it is the case of the investigating agency that without proper permit, the petitioner has transported 2 units of sand and hence, charge sheet has been filed under Section 379 IPC. It is seen that the petitioner is the owner of the vehicle and the transit pass was given for transporting two units of sand on 25.01.2022 morning at 3.56 a.m, and the expected time to reach the destination was mentioned as '3 hours'. whereas the vehicle was seized at 6.17 p.m. on 25.01.2022. Since there are disputed question of facts involved in the case, it is for the trial court to appreciate/examine the same and this Court cannot go into the disputed question of facts and quash the FIR at the threshold. Accordingly, this criminal original petition is dismissed. Consequently connected Miscellaneous Petition is closed.

05.02.2024

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TO

1. The Inspector of Police,
Tamil University Police Station,
Thanjavur.

3/4



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CRL OP(MD). No.4663 of 2022

M.DHANDAPANI. J

RR

**ORDER
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