



CrI.O.P.(MD)No.7498 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**CrI.O.P.(MD) No.7498 of 2022**

**and**

**CrI.M.P.(MD)No.5116 of 2022**

1.Rajan

2.Muthukrishnan

3.Bangajkumar

4.Murugesan

... Petitioners/A1 to A4

Vs.

State Rep. by its  
The Inspector of Police,  
Radhapuram Police Station,  
Tirunelveli District.  
Crime No.51 of 2022

... Respondent/Complainant

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Crime No.51 of 2022 on the file of the respondent police and quash the same.

For petitioners : M/s.L.P.Mayura

For Respondent : Mr.P.Kottaichamy  
Government Advocate (CrI. side)



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Crl.O.P.(MD)No.7498 of 2022

## **ORDER**

This petition has been filed seeking to quash the FIR in Crime No. 51 of 2022 on the file of the respondent police.

2.The case of the petitioner is that the fourth petitioner is the owner of the land and he engaged the petitioners 1 to 3 to dig the Well and by taking saralai sand and also levelling the field, without obtaining permission from the Mining authorities. Thereby, the respondent police registered a case against the petitioners in Crime No.51 of 2022 for the offences under Section 379 of IPC. Challenging the same, the present petition is filed.

3.The learned counsel for the petitioners would submit that it not a case of illegal transportation of M-sand or river sand and even as per the FIR, the land belongs to the fourth petitioner and without permission from the Mining authority, the land was leveled by the petitioners 1 to 3, which is not an offence. However, the respondent police has intentionally filed a criminal case against the petitioners. No materials are available against the petitioners for the offence under Section 379 of IPC. Since the land is not a Government land and the land is owned by the fourth



Crl.O.P.(MD)No.7498 of 2022

petitioner, the petitioners 1 to 3 were leveling the field, which is not an offence. Accordingly, he prayed for allowing this petition.

4.The learned Government Advocate (Crl. side) did not dispute the said facts submitted by the learned counsel for the petitioner.

5.In view of the above, implicating the petitioner under Section 379 IPC is not maintainable since the fourth petitioner is the owner of the property and he engaged the petitioners 1 to 3 by digging the Well, which is not an offence.

6.Accordingly, FIR in Crime No.51 of 2022 is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

**20.02.2024**

Index : Yes/No  
Internet : Yes/No  
NCC: Yes/No  
SJI

To

1.The Inspector of Police,  
Radhapuram Police Station,  
Tirunelveli District.



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Crl.O.P.(MD)No.7498 of 2022

**M.DHANDAPANI. J.**

SJI

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**Crl.O.P.(MD)No.7498 of 2022**

**20.02.2024**