



Crl.O.P.(MD)No.12474 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.12474 of 2022

and

Crl.M.P.(MD)No.7893 of 2022

Anbukamal

... Petitioner/Accused

Vs.

1.The State Rep. by
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
Crime No.31 of 2021

2.Chitradevi
Sub-Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

... Respondents

PRAYER:- Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No.31 of 2021 pending investigation on the file of the first respondent police and quash the same as against the petitioner.

For Petitioner : Mr.T.Veerakumar

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor for R1



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.31 of 2021 pending investigation on the file of the first respondent police.

2.The case of the petitioner is that the petitioner and other accused have involved in illegal transportation of Savadu sand. Hence, the first respondent police registered a case in Crime No.31 of 2021 for the alleged offences punishable under Section 379 of IPC and Section 21(4) of Mines of Minerals (Development and Regulation) Act, 1957. Challenging the same, the present petition is filed.

3.The learned counsel for the petitioner would submit that the petitioner is arrayed as A4 and he is the owner of the vehicle and he did not commit any offence as alleged by the prosecution. He would further submit that A1, in this case, who is the owner of the alleged vehicles, has already filed a quash petition before this Court in Crl.O.P.(MD)No.16905 of 2021 and the same was allowed on 21.03.2022 and the petitioner also stands on similar footing. Hence, he prayed for allowing this petition.



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4.The learned Additional Public Prosecutor for the first respondent would submit that there are five accused involved in this case and all the accused persons were illegally transported Savadu sand. Thereby, the first respondent police registered the above said criminal case against the petitioner and other accused persons. He would further submit that in the absence of any interim order, the first respondent police conducted investigation and prepared a charge sheet. Hence, he prayed for dismissal of this petition.

5.Heard the learned counsel on either side and perused the material records of the case.

6.Perusal of the records revealed that the first respondent police registered a case in Crime No.31 of 2021 against the accused persons and there are five accused in this case. A1 is the owner of the alleged vehicles bearing Registration Nos.TN 63 AQ 9695, TN 48 V 5050, TN 55 Q 9964 and TN 50 H 5656, in which, A2 to A5 were acted as drivers and the petitioner is A4. It is true that the earlier petition was entertained at the instance of A1 and the same was quashed by this Court on the ground that no accused persons were identified by



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the respondent police, only the vehicles, which were loaded with Savadu sand, were seized by him and based on which, the FIR was quashed in respect of A1. However, four vehicles were loaded with Savadu sand, which were seized by the first respondent police. Without driver, no one can be transported the Savadu sand. It is alleged that the petitioner was acted as a driver. Hence, the order passed by this Court is not applicable to the petitioner.

7.In view of the above, the prayer sought for by the petitioner cannot be granted by this Court. Hence, this Criminal Original Petition is dismissed with liberty to the petitioner workout his remedy in the manner known to law. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
Sji

05.03.2024

To

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



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M.DHANDAPANI, J.

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