



Crl.O.P.(MD)No.20879 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

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CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.20879 of 2022

and

Crl.M.P.(MD).No.14577 of 2022

Manikandan

... Petitioner

Vs.

The Inspector of Police,
Thiruvonam Police Station,
Thiruvonam,
Thanjavur District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned FIR in Crime No. 355 of 2021 on the file of the respondent police and quash the same.

For petitioner
For Respondent

: Mr.V.S.Kumaraguru
: Mr.B.Nambiselvan,
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the proceedings in Crime No.355 of 2021 on the file of the respondent Police.



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2. The case of the prosecution is that the petitioner along with the other accused persons illegally transported three units of river sand. Hence, the respondent has registered the case in Crime No.355 of 2021 for the alleged offence punishable under Sections 379, 109 and r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the respondent Police has included the petitioner's name in the FIR without considering the real fact. He would further submit that there is no specific overtact against the petitioner.

4. The learned Additional Public Prosecutor appearing for the first respondent Police would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

5. On a reading of FIR, there appears to be some materials for the investigation to proceed. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal



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Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, the respondent Police is directed to conclude investigation in Crime No.355 of 2021 within a period of four weeks from the date of receipt of a copy of this order.

22.03.2024

Index : Yes/No
Internet : Yes/No
tta

To

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



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M.DHANDAPANI. J.

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