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Crl.O.P.(MD).No.13606 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	15.02.2024
Pronounced On	:	20.06.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).No.13606 of 2020

and

Crl.M.P(MD). No.6241 of 2020

Ramaprabu

... Petitioner/Accused Rank not known
Vs.

1. The Inspector of Police,
Poovanthi Police Station,
Sivagangai District,
(Crime No.102 of 2019)

... 1st Respondent/Complainant

2. Sundari,
Village Administrative Officer,
No.26, Madapuram Group,
Thiruppuvanam Taluk,
Sivagangai District.

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for records relating to the C.C.No.537 of 2020 on the file of the Learned Judicial Magistrate, No.II, Sivagangai.

For Petitioner : Mr.G.Karuppasamy Pandian
for Mr.J.Yogeswaran

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor for R1

: No appearance for R2



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ORDER

The petitioner filed this petition to quash C.C.No.537 of 2020 on the file of the Learned Judicial Magistrate, No.II, Sivagangai.

2.The case of the prosecution is that on 03.10.2019, at about 06.00 a.m.,the second respondent and her team conducted a routine check and at that time, 15 lorries were found on the patta land comprised in S.Nos.48/2, 48/3 (1.26.5) ares belonging to one Babu Shahip from Kalungapatti. The second respondent intercepted the lorry bearing Registration No.TN 63 BC 2017 and seized the vehicle as the same was used for transporting 1 ½ units of sand illegally without any valid license or permit and other lorries were waiting for loading sand. The second respondent enquired the same and handed over the vehicle to the first respondent, based on which, a case in Crime No.102 of 2019 was registered for the offence under Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. After completion of investigation, the first respondent Police filed a charge sheet in C.C.No.537 of 2020, on the file of the learned Judicial Magistrate No.II, Sivagangai, for the offence under Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, and Section 379 of IPC. To quash the same, the present petition has been filed.



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3. According to the petitioner, his vehicle is said to have involved in the occurrence that took place on 03.10.2019. As per the FIR, the petitioner's vehicle is said to have involved illegal transportation of sand. Hence, the case was registered in Crime No.102 of 2019 for the offence under Section 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957, and subsequently, the same was investigated and final report was filed before the learned Judicial Magistrate No.II, Sivagangai, for the offence under Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, and Section 379 of IPC, against 15 persons. The petitioner is not arrayed as accused in the final report. At this stage, this quash petition has been filed before this Court.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that on the basis of the complaint given by the second respondent, a case in Crime No.102 of 2019 was registered. After completion of investigation, the final report was filed in C.C.No.537 of 2020, before the learned Judicial Magistrate No.II, Sivagangai, against 15 persons. He further submitted that the petitioner is not arrayed as accused in this case. Hence, this petition is not maintainable.



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5.Considering the submission made by both the parties and since the petitioner is not an accused in this case, this quash petition is not maintainable. Therefore, the submission of the learned counsel for the petitioner that the registration of the FIR and filing the final report without jurisdiction, is not addressed by this Court sparing the available accused in the C.C.No.537 of 2020 on the file of the Learned Judicial Magistrate, No.II, Sivagangai.

6.Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected criminal miscellaneous petition is closed.

20.06.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
vsg



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To

1. The Learned Judicial Magistrate No.II,
Sivagangai.
2. The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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vsg

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