



Crl.O.P.(MD)No.16751 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.03.2024**

CORAM:

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

Crl.O.P.(MD) No.16751 of 2022
and
Crl.M.P.(MD).No.11213 of 2022

Shanmugam

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Kottampatti Police Station,
Madurai District.

3.Ramalingam

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the FIR in Crime No.106 of 2022 on the file of the second respondent and quash the same as illegal as against the petitioner/2nd accused.

For petitioner
For R1 & R2

: Mr.R.M.Suresh
: Mr.B.Nambiselvan,
Additional Public Prosecutor



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CrI.O.P.(MD)No.16751 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in Crime No.106 of 2022 on the file of the first respondent Police, insofar as the petitioner is concerned.

2. The case of the prosecution is that the petitioner along with the other accused persons illegally transported two units of M-sand without any valid license. Hence, the third respondent, who is the Village Administrative Officer, has given a complaint before the second respondent Police and the same was registered in Crime No.106 of 2022 for the alleged offence punishable under Sections 379 of IPC and 21(5) of Mines & 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



Crl.O.P.(MD)No.16751 of 2022

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 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 first respondent Police is directed to conclude investigation in Crime No.106 of 2022 within a period of four weeks from the date of receipt of a copy of this order.

21.03.2024

Index : Yes/No
Internet : Yes/No
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Crl.O.P.(MD)No.16751 of 2022



- 1.The Superintendent of Police,
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Madurai.
- 2.The Inspector of Police,
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Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD)No.16751 of 2022

M.DHANDAPANI. J.

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