



Crl.O.P.(MD)No.16419 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.16419 of 2022

and

Crl.M.P.(MD)No.10925 of 2022

Anilkumar

... Petitioner

Vs.

1.State rep.by its
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.192 of 2022)

2.Anbezhil

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned FIR in Crime No.192 of 2022 pending on the file of the first respondent Police and to quash the same as against the petitioner.

For Petitioner : Mr.M.R.Sreenivasan

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor.



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ORDER

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This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.192 of 2022 pending on the file of the first respondent Police.

2.The case of the prosecution is that the second respondent is working as Village Administrative Officer at Kuzhithurai. Based on the information, on 26.07.2022 the second respondent along with the Revenue Inspector and the Village Assistant, they went to the petitioner's patta land, wherein, the accused persons, without any permission had removed the rough stones with the help of Jackey Hammer. Therefore, the second respondent filed a complaint before the first respondent, based on which, FIR came to be registered in Cr.No.192 of 2022 for the offences under Sections 379, 511 IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation)Act. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner would submit that the Assistant Director, Geology and Mining, Kanniyakumari District filed a report dated 04.11.2022 stating that charnockite outcrops were



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notified along with the naturally weathered boulders in the petitioner's patta land in S.F.No.A10/83-1A and the same was broke with the help of Jackey Hammer and the petitioner was instructed to get proper permission from the District Collector, Kanniyakumari to carryout land reclamation process.

4.The learned Additional Public Prosecutor appearing for the first respondent would submit that the first respondent Police conducted investigation and filed charge sheet before the concerned trial Court. However, this Court may permit the petitioner to produce the report submitted by the Assistant Director, Geology and Mining, Kanniyakumari District to enable the trial Court to close the case.

5.In view of the above, the petitioner is permitted to produce the report dated 04.11.2022 before the trial Court in order to enable the trial Court to complete the proceedings. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

gns

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M.DHANDAPANI,J.

gns

To

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

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