



Crl.O.P.(MD)No.21492 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21492 of 2024

and

Crl.M.P.(MD)No.13324 of 2024

1.Rajeshkumar
2.Sundaram
3.Akneeswaran

... Petitioners

Vs.

The State of Tamil Nadu,
1.The State, Rep. through
The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.69 of 2022)

2.Kumari,
The Village Administrative Officer,
Viraganoor,
Madurai South Taluk,
Madurai District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the F.I.R. in Crime No.69 of 2022, dated 23.02.2022, on the file of the Inspector of Police, Silaiman Police Station, Madurai District, and quash the same as against the petitioners.



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For Petitioners : Mr.R.Suriya Narayanan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

ORDER

The petitioners, who are arrayed as A3 to A5 in Crime No.69 of 2022, for the offences under Section 379 I.P.C. and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, have filed the present quash application,

2. The case against the petitioners is based on a complaint lodged by the Village Administrative Officer of Viraganoor Village, Madurai District (the second respondent herein), on 23.02.2022, at about 09:15 p.m. The second respondent / de-facto complainant reported that she had received information about the illegal mining of Savadu soil from the Vaigai River in her village. Following the same, the Revenue Inspector, Assistant Geologist, and Special Deputy Tahsildar (Mines) conducted a spot inspection. During the inspection, they discovered that Savadu soil was being loaded into two Taras lorries using a Hitachi vehicle, and a



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Poclain was also in use. Upon seeing the inspection team, the drivers attempted to flee but were apprehended. The drivers, identified as the two Taras lorry drivers and the JCB driver, were subsequently questioned and then produced before the respondent Police along with the vehicles. Thereafter, a case was registered by the respondent Police.

3. The learned counsel for the petitioners contends that the petitioners have been falsely implicated in the case. The learned counsel for the petitioners submitted that one Mathivanan was authorized by the Assistant Engineer, Public Works Department, Vaigai Division, to remove debris, building materials, bushes, and other obstacles from the Vaigai River to ensure the free flow of water, which is crucial for agricultural activities. The petitioners were carrying out the work assigned by the said Mathivanan. The Revenue Divisional Officer, Melur, on enquiry, issued a report (Na.Ka.No.223/2022/A4, dated 10.03.2022), confirming that Mathivanan was indeed tasked with removing debris and obstacles from the Vaigai River bed. Due to heavy traffic and the movement of vehicles, the work could not be carried out during the daytime, so excavation and debris removal were allowed



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during the night hours. Further, it was confirmed that no sand was found in the lorries or the JCB. In light of these facts, the learned counsel for the petitioners requested that the case be quashed, as there was no substance in the F.I.R.

4. The learned Government Advocate (Criminal side) submitted that the respondent Police, on receiving the information, visited the scene of occurrence, where they found two lorries and a JCB parked. Statements of witnesses were recorded, and photographs were taken. The learned Government Advocate (Criminal side) also acknowledged the Revenue Divisional Officer's report, which confirmed that Mathivanan was entrusted with the task of clearing the Vaigai River bed, removing bushes and obstacles to ensure the free flow of water, and to rejuvenate the water level. This was essential for the uninterrupted water supply during the Kalalagar festival in the tamil month of Chithirai. The said Mathivanan engaged the petitioners, who used two lorries and a JCB for the task.



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5. Considering the above said submissions and on perusal of the charge sheet, this Court finds that the letter from the Revenue Divisional Officer, Melur, which absolves the petitioners by confirming that Mathivanan was authorized to carry out the cleaning and debris removal work in the Vaigai River bed, forms part of the case diary. This letter has not been disputed. In view of these findings, this Court does not find any reason to continue with the investigation in Crime No.69 of 2022, dated 23.02.2022. Accordingly, the case against the petitioners and the other accused in Crime No.69 of 2022 is hereby quashed, and the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

09.12.2024

To

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



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M.NIRMAL KUMAR, J.

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Order made in
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