



CrI.O.P.(MD)No.23506 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

**CRL.O.P (MD) No.23506 of 2023
and
CrI.M.P(MD)Nos.18288 and 18290 of 2023**

1.Gopinath
2.Pandi
3.Ammavasi
4.Mathiyalagan
5.Karthick Raja

...Petitioners

VS

1.The State represented by
The Inspector of Police,
Valandur Police Station,
Valandur, Madurai District.
(Cr.No.72 of 2022)

2.Jeeva

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records in connection with Spl.S.C.No.110 of 2023 on the file of the Special Court for the cases under Mines and Minerals (Development & Regulation) Act, Madurai, Madurai District in Cr.No.72 of 2022 on the file of the Inspector of Police, Valandur Police Station, Valandur, Madurai District and consequently, quash the same as illegal and devoid of merits forthwith.

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For Petitioner : Mr.J.Sankar Pandian
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

The learned Counsel for the petitioner submitted that this petition had been filed to quash the proceedings in Spl.S.C.No.110 of 2023 on the file of the Special Court for the cases under Mines and Minerals (Development & Regulation) Act, Madurai, Madurai District.

2.It is the case of the petitioner that the petitioner's father, Chellapandi was granted licence by the competent authority under the Mines and Minerals Act. The learned Counsel for the petitioner invited the attention of this Court to the licence granted in Na.Ka.No.2216/2022/Aa1, issued by the Tahsildar, Usilampatti, under the Mines and Minerals Act, wherein, the description of the land and the date from which it was granted, was mentioned. Still, the Police had registered a case against the petitioner and his workers, as though they are committed theft of minerals from the channel, there from they are granted permission to remove the sand. Therefore, he seeks to quash the charge sheet in Spl.S.C.No.110 of 2023



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pending on the file of the Special Court for the cases under Mines and Minerals (Development & Regulation) Act, Madurai, Madurai District.

3.The learned Government Advocate (Crl.side) objected to the linen of arguments of the learned Counsel for the petitioner. The learned Government Advocate (Crl.side) invited the attention of this Court to the proceedings of the Tahsildar, Usilampatti, in which, the vehicle number had been specifically mentioned while granting permission. Instead of using such vehicle as described in the licence, the petitioner had engaged three other vehicles. Therefore, it is nothing but a theft of minerals beyond the permissible limit. Therefore, it is not a fit case for quashing the final report. The learned Government Advocate (Crl.side) invited the attention of this Court to the description of the vehicles mentioned in the FIR and the description of the vehicle mentioned in the licence. The licence described vehicle is TN-58-BW4216, whereas, the FIR contains the description of the vehicles/tractor along with trailers bearing Reg.No.TN-58-Q-8393, TN-60-D-2040 and TN-65-X-8889 and TN-58-AS-4402, which is a JCB vehicle used to remove the sand. The petitioner had also engaged a tractor along with trailer without registration number. Hence, he seeks to quash this



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petition.

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4.Considering the submissions of the learned Counsel for the petitioner and the objections raised by the learned Government Advocate (Crl.side) relying on the very same document, the submission of the learned Counsel for the petitioner is not found acceptable. At best, it has to be treated as valuable defence available to the petitioner, which has to be exercised before the Trial Court. At this point of time, it is not a fit case for quashing of the charge sheet. Hence, the submission of the learned Counsel for the petitioner is rejected and this petition is dismissed. The learned Trial Judge is directed to dispose of the case as earlier by giving top priority. Consequently, connected miscellaneous petitions are closed.

Internet :Yes./No
Index :Yes/No

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To

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- 1.The Judge, Special Court for the cases under
Mines and Minerals (Development & Regulation) Act, Madurai,
Madurai District.
- 2.The Inspector of Police,
Valandur Police Station,
Valandur, Madurai District.



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SATHI KUMAR SUKUMARA KURUP, J.

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