



WEB COPY



Crl.O.P.(MD)No.22140 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD)No.22140 of 2024

and

Crl.M.P(MD).No.13729 of 2024

Sakthivel

: Petitioner

Vs.

1.State of Tamil Nadu
rep., by the Inspector of Police,
Thogamalai Police Station,
Karur District.
Crime No.459 of 2024

2.Sathish

: Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS,
to call for the records in FIR in Crime No.459 of 2024 dated 11.11.2024
on the file of the first respondent police and quash the same as against the
petitioner/A3 is concerned.

For Petitioner : Mr.C.Susikumar

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)



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ORDER

This petition has been filed praying to quash the FIR in Crime No. 459 of 2024, dated 11.11.2024, on the file of the first respondent police, as far as petitioner is concerned.

2. The case of the prosecution is that the defacto complainant, who is the Village Administrative Officer of Vadacheri, Kuzhithalai Taluk, Karur District, on information, along with other Government officials conducted spot inspection at Vadacheri Village, where they found that red soil was excavated in large extent of private property including the petitioner's property in S.No.572/3A2, without getting proper license and permission. Hence, the defacto complainant lodged complaint and the same was registered in Crime No.459 of 2024 on 11.11.2024 for the offence under Sections 303(2) and 62 of BNS Act, 2023, and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 against eight persons.

3. The learned counsel for the petitioner submitted that the land in question was sold much earlier to the occurrence.



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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the first respondent police.

5. Considering the facts and circumstances of the case and materials placed, this Court feels that it is the mater for investigation. Hence, this Court without going into the merits of the case directs the first respondent to conduct enquiry in Crime No.459 of 2024 by considering the petitioner's statement as well as document to be produced in his support and challenging the final report before the concerned Court. The petitioner is at liberty to file a final report to be filed by the respondent police in Crime No.459 of 2024, if it is advised

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

16.12.2024

NCC :Yes / No
Index :Yes / No
Rmk



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To

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



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K.K.RAMAKRISHNAN,J.

Rmk

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