



WEB COPY

CRL OP No. 5586 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 5586 of 2025

AND

CRL MP NO. 3628 OF 2025

Karthik

Petitioner

Vs

1. The State

Rep. By, The Inspector of Police,
Vikkiramangalam Police Station,
Ariyalur.
(crime No. 225/2024)

2. Kalaiselvi

Respondents

PRAYER :- Criminal Original Petition filed under Sec. 528 of B.N.S.S.,
praying to call for the records in Crime No.225 of 2024 pending on the file of
the 1st respondent police and quash the same against the petitioner.

For Petitioner: Mr. R.Prabakar



WEB COPY



For Respondents: Mr.K.M.D.Muhilan
Govt. Advocate (Crl.Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.225 of 2024 on the file of the first respondent police for the offences under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and 303(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that, on 06.10.2024, based on the secret information received about the illegal transportation of river sand from Muthuvancheri Kollida River, the defacto complainant, along with his assistant, proceeded to the place of occurrence. Prior to reaching the said spot, they intercepted a Tractor bearing No.TN 61 X 5242, which was proceeding from south to north. On inspection, it was found to be carrying $\frac{3}{4}$ unit of river sand. It is alleged that the accused, in collusion with each other, were illegally transporting the sand for sale. Hence, the case was registered.

3. Even according to the prosecution, the first accused stated that he, along with the petitioner, had transported river sand for sale. Except for the



WEB COPY

alleged extra-judicial confession of the co-accused (A1), there are absolutely no other allegations or materials to attract the ingredients of the offences alleged against the petitioner. That apart, the petitioner, being the whistle blower, on several occasions, has brought to light various acts of wrongdoing and corruption committed by the Government Officials.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. A perusal of the records reveals that on 22.04.2024, the petitioner lodged a complaint before the District Revenue Officer, alleging that the illegal acquisition of the land belonging to the Primary School, Kizhanatham Village, Udaiyaarpalayam, Ariyalur District. Subsequently, on 24.06.2024, the petitioner has also lodged a complaint regarding malpractices taken place in various rural development projects by the officials in Kizhanatham Village, Udaiyaarpalayam, Ariyalur District. Further, on 09.07.2024, the petitioner lodged another complaint before the Agricultural Production Commissioner and Additional Chier Secretary to Government regarding misappropriation of multi crores of rupees allocated for the implementation of various welfare schemes.

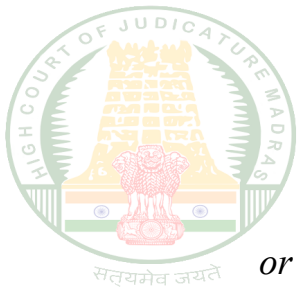


In order to wreck vengeance and to silence the petitioner from exposing such illegal activities of officials, a false case has been foisted as against the petitioner. Further, there is absolutely no material to show that the petitioner had involved in the alleged illegal transportation of river sand, except the extra judicial confession of A1.

6. It is relevant to rely upon the Judgment of the Hon'ble Supreme Court of India reported in **1992 AIR 604** in the case of the ***State of Haryana and ors Vs. Bhajan Lal***, in which, the Hon'ble Supreme Court of India held as follows :

(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;



WEB COPY

(c) where the uncontroverted allegations made in the FIR or -complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously



WEB COPY

instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

7. The above Judgment is squarely applicable to the case on hand.

Therefore, the impugned FIR in Crime No.225 of 2024 pending on the file of the first respondent cannot be sustained and is liable to be quashed insofar as the petitioner is concerned. Accordingly, the FIR is hereby quashed as against the petitioner and the Criminal Original Petition is allowed. However, the first respondent is directed to proceed with the investigation as against the first accused alone in accordance with law. Consequently, connected miscellaneous petition is closed.

27-02-2025

Index: Yes/No

Speaking/Non-speaking order

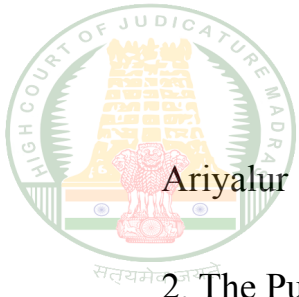
Internet: Yes

Neutral Citation: Yes/No

Lpp

To

1. The Inspector Of Police,
Vikkiramangalam Police Station,



Ariyalur

2. The Public Prosecutor,
High Court, Madras.

CRL OP No. 5586 of 2025





WEB COPY

CRL OP No. 5586 of 2025



G.K.ILANTHIRAIYAN J.

Lpp

**CRL OP No. 5586 of 2025
AND CRL MP NO. 3628 OF
2025**

27-02-2025