



Crl.O.P.No.10456 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10456 of 2025

and

Crl.M.P.No.6976 of 2025

1.Saraswathamma

2.Prakash

..... Petitioners

Vs

1. State rep. by
Inspector of Police
Kelamangalam Police Station,
Krishnagiri District.

2. Rathnavel

..... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to Crime No.267 of 2024 on the file of the Inspector of Police, Kelamangalam Station, Krishnagiri District and the same is pending before the learned District Munsif-cum-Judicial Magistrate, Denkanikottai and quash the same.

For Petitioners : Mr.R.John Sathyan
Senior Counsel
for M/s.R.K.Law Firm

For R1 : Mr.R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.267 of 2024 on the file of the first respondent, for the offences under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023, r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2. The case of the prosecution is that, on 26.08.2024, at around 16.00 hrs, the second respondent lodged a complaint with the first respondent, alleging that on 12.06.2024, at around 10.00. a.m., while he was on official duty, he received information that black rock stones were being removed without proper permission from the land comprised in Survey No.247/1, Patta No.5790 situated at Bairavamangalam Village, which is owned by the petitioners. On receiving the information, a report was forwarded to the concerned Tahsildar through the Revenue Inspector. Based on the directions issued by the District Collector, the second respondent lodged a complaint seeking appropriate action against the second petitioner for illegal mining activity.

3. A perusal of the records and the submission made by the



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learned Senior Counsel reveals that, in order to attract the offence under Section 303(3) of the Bharatiya Nyaya Sanhita, 2023, there must be a dishonest intention to unlawfully remove and appropriate the substance in question. In the case on hand, there was no such dishonest intent. The black stones were removed from the patta land owned by the petitioners that too for agricultural purpose in order to cultivate cabbage. That apart, the stones were neither transported nor sold and they were placed on the adjacent land. Further, it is also evident from the proceedings of the District Collector, dated 05.12.2024 that the stones were cut by the second petitioner and placed on site by the second petitioner. In the absence of *mens rea*, no offence can be said to have been committed under 303(2) of the Bharatiya Nyaya Sanhita, 2023, r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

4. In this regard, it is relevant to extract the provision under Section 6(1) of Tamil Nadu Mines and Minerals Concession Rules, 1959, which reads as follows :

6. Quarrying for domestic or agricultural or other specific purpose :-

(1) the public may be allowed to quarry free for bonafide domestic or agricultural purposes without



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obtaining permits for quarrying provided that the dwelling place or the agricultural land of the person concerned and the quarrying place shall be in the same revenue village or in the adjoining revenue village.

5. Admittedly, the petitioners had quarried black stones for their own purpose, i.e. agricultural purpose. All the records stand in the name of the petitioners. Therefore, no offence is made out under Section 21(1) of the Tamil Nadu Mines and Mineral Concession Rules, 1959, since the activity undertaken by the petitioners falls within the scope of domestic quarrying for agricultural purpose.

6. In view of the above, the impugned FIR in Crime No.267 of 2024 on the file of the first respondent cannot be sustained and is liable to be quashed. Accordingly, the said FIR is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

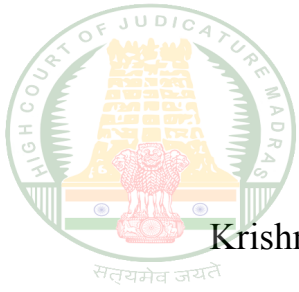
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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1.The Inspector of Police
Kelamangalam Police Station,

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Krishnagiri District.

2. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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