



Crl.O.P.No. 12446 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM:

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

Crl.O.P.No.12446 of 2025 and
Crl.M.P.No.8289 of 2025

C.R.Tamilvanan

... Petitioner

Vs.

1.State rep. by Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri.
(Crime No.132 of 2024).

2.Fit Person / Executive Officer,
Arulmigu Pattalamman Thirukovil,
Baliguli Village,
Krishnagiri District.

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the FIR registered in the above Crime No.132 of 2024 on the file of the first respondent / police as against this petitioner.



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For Petitioner : Mr.N.U.Prasenna

For R1 : Mr.A.Gopinath,
Government Advocate (crl.side)

ORDER

This petition has been filed to quash the FIR in Crime No.132 of 2024 on the file of the first respondent, registered for the offences punishable under Sections 447 and 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

2. The case of the prosecution is that the second respondent is the Executive Officer of Arulmigu Pattalamman Thirukovil, Baleguli Village, Krishnagiri District, and also holds additional charge as Executive Officer of Arulmigu Sakthivinayakar Temple, Santhapettai, Kaveripattinam, Krishnagiri District, with jurisdiction over 56 other temples. It is alleged that approximately 5 acres and 63 cents of land in Survey Nos. 348/1, 351/6, 396, 420/2, and 400/4 at Pallankuli Revenue Village belong to Arulmigu Pattalamman Temple. Adjacent to this temple land, Poramboke land measuring about 4.5 acres in Survey Nos. 411/1, 420/1, and 425/1B contains granite deposits. The Government had

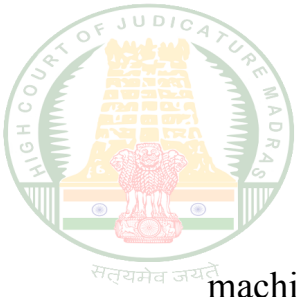


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granted a granite mining license for this Poramboke land to one P.K. Selvaraj (A2), proprietor of M/s Plito D Granites, under G.O. 3D No. 121, Industries (E2) Department, dated 05.05.1995, for a period from 1995 to 2005. However, the company allegedly delayed mining operations until the year 2000. It is further alleged that in 2000, the licensee permitted the petitioner (A1) to carry out mining operations in the said survey numbers. Subsequently, in 2005, the petitioner, in collusion with the second accused, is said to have unlawfully conducted quarry operations in Survey No. 420/2, part of the temple land, over an area of 2012 square meters and to a depth of 25 meters, without authorization. Based on the above allegations, the complaint was registered in Crime No. 132 of 2024 for the offences punishable under Sections 447 and 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

3. The learned counsel for the petitioner submitted that the petitioner has no connection with the allegations made by the second respondent. It was contended that the petitioner merely supplied



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machinery for quarrying operations to the second accused and was not involved in any mining activity. In fact, the second accused was the person granted a quarrying license under G.O. 3D No. 121, Industries (E2) Department, dated 05.05.1995 for the period from 1995 to 2005. It was further submitted that after nearly two decades, the present complaint has been lodged, alleging that the petitioner had carried out illegal quarrying on temple land, which is entirely baseless. Hence, he prays to quash the FIR.

4. The learned Government Advocate (Criminal Side) submitted that though the petitioner is neither a partner nor a proprietor of M/s Plito-D-Granites, he is the mastermind behind the illegal quarrying activity and acted in collusion with the second accused. The allegations are serious in nature and warrant investigation.

5. Heard both sides and perused the materials placed on record.

6. On perusal of the materials on record, this Court is of the



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opinion that the complaint discloses allegations that require thorough investigation. The petitioner's claim of being merely a machinery supplier and not involved in the quarry operations is a matter of fact that cannot be conclusively determined at this stage under Section 528 of BNSS. It is well settled that an FIR is not expected to be an encyclopaedia of facts. The FIR in the present case discloses a *prima facie* commission of cognizable offences. Hence, this Court is not inclined to quash the FIR at this stage. The investigation machinery must be allowed to proceed in accordance with law to unearth the truth and bring the guilty to book.

7. The Hon'ble Supreme Court of India passed in the judgment reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekar vs. The State of Maharashtra & ors., (Crl.A.No.255 of 2019 dated 12.02.2019)*** held that the learned Magistrate while taking cognizance and summoning, is required to apply his judicial mind only with the view to taking cognizance of the offence whether a *prima facie* case has been made out for summoning the accused person. The learned



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Magistrate is not required to evaluate the merits of the materials or evidence in support of the complaint, because the Magistrate must not undertake the exercise to find out whether the materials would lead to conviction or not. Only in a case where the complaint does not disclose any offence or is frivolous, vexatious or oppressive, the complaint/FIR can be taken for consideration for quashment. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by Magistrate, it can be considered for quashment. Therefore, it is not necessary that a meticulous analysis of the case should be done before the trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification to interfere. At the initial stage of issuance of process, it is no open to the Court to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Therefore, the criminal complaint cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the



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offence alleged against the accused are *prima facie* made out in the complaint, the criminal proceeding shall not be interdicted.

8. Further the Hon'ble Supreme Court of India issued directions in the judgment reported in **2021 SCC Online SC 315** in the case of ***M/s.Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra & ors.***, as follows :-

“23.

vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

vii) *Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*

.....

xii) *The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to*



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abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

.....

xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;”

9. In view of the above discussions, this Court is not inclined to quash the First Information Report in Crime No.132 of 2024. However, in the interest of justice and to avoid prolonged proceedings, the first respondent is directed to verify whether the petitioner was an agreement holder or merely a machinery supplier in connection with the quarry



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operations involving the second accused. The first respondent shall complete the investigation in Crime No. 132 of 2024 and file the final report before the jurisdictional Magistrate within a period of twelve weeks from the date of receipt of a copy of this order, if not already filed.

10. Accordingly, this Criminal Original Petition stands dismissed.

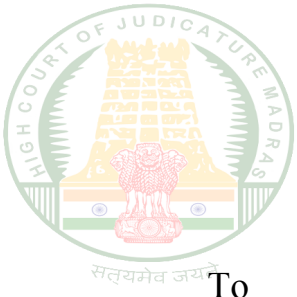
Consequently, connected miscellaneous petition is closed.

23.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

G.K.ILANTHIRAIYAN, J.

shk



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To
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- 1.The Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri.
(Crime No.132 of 2024).
- 2.Fit Person / Executive Officer,
Arulmigu Pattalamman Thirukovil,
Baliguli Village,
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3. The Public Prosecutor,
High Court, Madras.

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