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Crl.O.P.No.20726 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.20726 of 2025

and

Crl.M.P.No.14314 of 2025

P.Mohanraj

... Petitioner

Vs.

1. State Rep By:
The Inspector of Police,
Vallavanur Police Station,
Villupuram, Tamil Nadu – 605 108,
Crime No.554 of 2020.

2. The Sub Inspector of Police,
Vallavanur Police Station,
Villupuram,
Tamil Nadu – 605 108.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the entire records in connection with C.C.No.157 of 2021 in Crime No.554 of 2020 on the file of the Judicial Magistrate Court – II, Villupuram, Villupuram District and to quash the same.

For Petitioner : Mr.S.Vijayaraghavan

For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

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2. The case of the prosecution is that on 24.05.2020 at about 7.30 a.m., based on the secret information, the second respondent-Police intercepted the vehicle bearing TN 39 AM 1167 near Koliyanoor Kuttu Road, and based on the confession of A1 Sivaguru, the petitioner herein was arrayed as A2 and thereafter, the respondent-Police seized the vehicle along with two units of sand and registered an FIR in Crime No.554 of 2020 dated 24.05.2020 as against the petitioner and another. After investigation, the respondent-Police filed a charge sheet in C.C.No.157 of 2021 before the Judicial Magistrate-II, Villupuram.

3. It is the contention of the learned counsel for the petitioner that the second respondent-Sub Inspector of Police, Vallavanur Police Station, ought not to have registered an FIR as against the petitioner, since he is not an authorised person to initiate legal proceedings and to file charge



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sheet before the jurisdictional Court for the offences comes under the

Mines and Minerals (Development and Regulation) Act, 1957. It is the further contention of the petitioner that the Special Court ought to have taken cognizance of offences under Sections 430 and 379 IPC read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, instead, the Judicial Magistrate Court – II, Villupuram, who has no jurisdiction has took cognizance of the said offences. *Prima facie* there are no materials to proceed with the case further as against the petitioner and hence, the charge sheet may be quashed as against the petitioner.

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

5. It is needless to state that under the Mines and Minerals (Development and Regulation) Act, 1957, only a designated authorities, such as Revenue Divisional Officers, District Forest Officers and Police Personnel not below the rank of Inspector are only authorised to file complaint before the designated Court.



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6. However, in the instant case, the second respondent, who is the Sub Inspector of Police, Vallavanur Police Station had conducted the investigation and registered the case and filed the final report before the Judicial Magistrate -II, Villupuram, who has no authority to take cognizance of the offences under the Mines and Minerals (Development and Regulation) Act, took cognizance. Therefore, the charge sheet in C.C.No.157 of 2021 is liable to be quashed and accordingly, quashed. However, the first respondent – Inspector of Police, Vallavanur Police Station, Villupuram District is hereby directed to conduct a fresh investigation in Crime No.554 of 2020 and file a report before the designated Court as expeditiously as possible.

7. With the above observations and directions, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

23.07.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Judicial Magistrate – II,
Villupuram, Villupuram District
2. The Inspector of Police,
Vallavanur Police Station,
Villupuram, Tamil Nadu – 605 108.
3. The Sub Inspector of Police,
Vallavanur Police Station,
Villupuram,
Tamil Nadu – 605 108.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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