



Crl.O.P(MD).No.2179 of 2025

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Dated: 04.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **P. DHANABAL**

Crl.O.P(MD).No.2179 of 2025
and Crl.M.P(MD).No.1516 of 2025

1.Gangai Athithan
2.Murugesan

.. Petitioners

Vs.

1.State of Tamil nadu,
through the Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli.

2.Mahaharichandran

.. Respondents

Prayer : Petition is filed under Section 528 of BNSS to call for the records in Crime No.208 of 2024 on the file of the first respondent police and quash the same.

For Petitioner : Mr.T.A.Ebenezer

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

This petition is filed by the petitioner to quash the FIR in Crime No. 208 of 2024 on the file of the respondent police.

2. According to the petitioner, the second respondent/Village Administrative Officer preferred complaint alleging that while he was patrolling, the first petitioner was sitting in two-wheeler and the second petitioner was loading pond sand by JCB in the lorry, on seeing him, the accused drove away the lorry. The Village Administrative Officer called the respondent police and the police took the JCB and two wheeler to the police station. On the next day morning the Village Administrative Officer went to the police station and preferred complaint at 08.00 am., based on which, the first respondent registered Crime No.208 of 2024 for the offence under Section 303(2) of BNS Act, 2023 and Section 21(4) of Mines and Minerals Act, 1957. Infact there is a civil dispute between the first petitioner and his brother, due to political enmity, this case has been foisted against him. The said VAO is stranger to the first petitioner, but he mentioned the name of the first petitioner and the respondent police took



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away the first petitioner's two wheeler and JCB from the scene of occurrence in the night itself and fabricated the false story. The second respondent has no authority to make complaint under Mines and Minerals Act. There are procedural violation in respect of Mines and Minerals Act. Therefore, FIR registered against the petitioners is against law and which is liable to be quashed.

3. The learned Additional Public Prosecutor strongly opposed this quash petition since FIR registered recently on 17.08.2024 based on the complaint given by the Village Administrative Officer and now, the case is under investigation.

4. Heard both sides and perused the materials records.

5. It is an admitted fact that investigation in Crime No.208 of 2024 is at the initial stage and the arguments of the petitioners that there are procedural violation and due to political enmity, case has been foisted against him, cannot be considered at this stage. This Court has to see whether the contents of the complaint constitute any offence or not. As



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per the complaint, offences are made out. Therefore, it is for the first respondent to investigate the matter in a fair manner and to file final report. Without any strong materials, it is not appropriate to consider the prayer of the petitioner. Therefore, this Criminal Original Petition is dismissed with liberty to the petitioner to challenge the final report if any to be filed by the respondent police in Crime No.208 of 2024 in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

04.02.2025

NCC : Yes/No
Index : Yes/No
Rmk

To:

- 1.The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli.
- 3.The Additional Public Prosecutort,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

Rmk

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