

Crl.O.P.(MD)No.3097 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.3097 of 2025

and

Crl.M.P(MD) No.2115 of 2025

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.. Petitioner

Vs.

1. The Sub Inspector of Police
Kodaikanal Police Station
Kodaikanal, Dindigul District

2. The Village Administrative Officer
Kodaikanal,
Dindigul District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pursuant to the proceedings of the First Information Report in Crime No. 248 of 2019 on the file of the respondent dated 29.07.2019 and quash the same as devoid of merits.

For Petitioner : Mr.S.Selvakumar

For Respondents : Mr.M.Vikkam Karunanithi
Government Advocate(Crl.Side)



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ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 248 of 2019 on the file of the first respondent police.

2. The case of the prosecution is that on 25.07.2019 at about 9.00 pm., when the defacto complainant was on inspection near Ananthagiri 4th Street, opposite to Annai Theresa Nagar University one Babu without any valid permission moved sand and stones and after seeing the defacto complainant, the driver of the JCB escaped from the place leaving the JCB. Thereafter they came to know the name of the driver is Ramesh and vehicle belongs to Aruldoss. Therefore he lodged complaint before the first respondent and they registered a case in crime No 248 of 2019 for the offences under Sections 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act. Now the said First Information Report is under challenge by the petitioner.

3. The learned counsel appearing for the petitioner would submit that the first respondent has registered a false case against the petitioner



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alleging that the first accused committed illegal sand mining without license in the patta land which belongs to one Babu and since the said JCB belongs to the petitioner they filed this petition. Infact the said JCB not involved in the case. The present case has been registered with the JCB bearing Reg. No.TN 45 AR 5143 which belongs to Yuvaraj son of this petitioner and the accused had done levelling the sand in the patta land which belong to Babu with JCB belongs to him. The petitioner is not connected with the case and he never played any role in this case. Therefore a case has been registered against the petitioner. Though case has been registered in July 2019 so far investigation ahs not been completed and final report has not been filed and the investigation is pending without any progress., therefore filed this petition to quash the proceedings as against the petitioner

4. The learned Government Advocate(Crl.Side) appearing for the respondents would submit that on 25.07.2019 at about 9.00 pm. The first accused Ramesh excavated sand and stone using JCB and after seeing the defacto complainant he ran away leaving the JCB. The petitioner is the owner of JCB thereby they registered case and now they completed investigation and filed final report before the concerned Court.

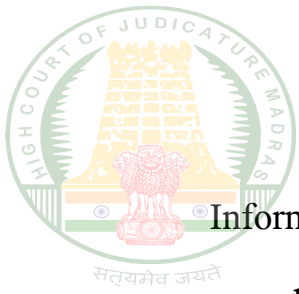


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5. This Court called for report from the learned Judicial Magistrate, Kodaikanal and as per the report, final report has not been filed before the Court.

6. Heard both sides and perused the materials available on record.

7. In this case according to the prosecution one Ramesh who is the first accused illegally indulged in mining using JCB bearing Reg.No.TN 45 AR 5143 and after seeing the defacto complainant the said accused ran away from the place of occurrence leaving the JCB. Thereafter they came to know that the JCB belongs to the petitioner and thereby the defacto complainant lodged a complaint and based on the same, the first respondent polic registered First Information Report. There are no materials to show that the said JCB belongs to the petitioner. This petitioner was arrayed as an accused on the capacity of the owner of the vehicle. Even as per the First Information Report the first accused only removed stones in the property belonging to one Babu. While so no offence is made out and no any other vehicle involved in this case and there are no materials even as per the First Information Report to constitute any offence against this petitioner. Moreover the First



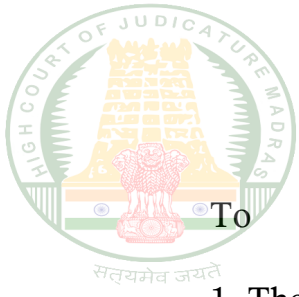
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Information Report is dated 25.07.2019 and no investigation has been completed and still it pending. Merely because they removed stones using JCB, it is not an offence but the respondent police have registered a case for removal of stones in the patta land. More over the petitioner is not the owner of the said JCB and his son Yuvaraj is the owner of the JCB as per the Registration Certificate therefore no offence is made out as against this petitioner and thereby the pending proceedings is liable to be quashed.

8. Accordingly the Criminal Original Petition stands allowed and the First Information Report in Crime No.248 of 2019 on the file of the first respondent police is hereby quashed. Consequently connected miscellaneous petition stands closed.

04.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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1. The Sub Inspector of Police
Kodaikanal Police Station
Kodaikanal, Dindigul District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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