



CRL OP(MD). No.2616 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.12.2025

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THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

CRL OP(MD). No.2616 of 2024
and
Crl.M.P.(MD).No.2018 of 2024

1.G.Thirunavakarasu

2.Subramani

3.A.Paramasivam

4.M.Annamalai

5.T.Sakthivel

... Petitioners

Vs.

1.State Rep. By its,
The Inspector of Police,
Thottiyam Police Station,
Trichy-621209.
(Crime No.169 of 2022)

2.P.Nallathambi

... Respondents

PRAYER :- This Petition is filed under Section 528 BNSS, to call for the records of the impugned FIR in Crime No.169 of 2022, dated 13.07.2022 on the file of the first respondent Police and quash the same.



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For Petitioners : Mr.A.Arun Ramnath

For Respondents : Mr.M.Sakthi Kumar (for R1)
Government Advocate (Crl. Side)
No appearance (for R2)

ORDER

This petition is filed to quash the impugned FIR in Crime No.169 of 2022, dated 13.07.2022 on the file of the first respondent Police, which was registered for the offences under Sections 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 on 13.07.2022 while the second respondent Police was on patrol duty, he received information regarding sand theft near Manalmedu, Cauvery river. Thereafter, the second respondent Police along with two police officials went to the spot and caught the petitioners 1 to 5 near Manalmedu Graveyard with the possession of 60 cements bags of sand weighing 3000 kgs, without valid permit. Hence, the present complaint has been registered.



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3.The learned counsel appearing for the petitioners submitted that all the petitioners are college students. While they had gathered near the Manalmedu graveyard tea shop in the early morning to have a cup of tea, the police party falsely implicated them in a sand theft case. He further submitted that the police have no authority to register a case under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. Even according to the FIR, there is no eyewitness, and the FIR itself is self evident that none of the public came forward to sign the mahazar. Hence, there is no possibility for the prosecution to substantiate the case or for the respondent police to file a final report in the absence of any eyewitness. Therefore, they sought the indulgence of this Court to quash the FIR.

4.Per contra, the learned Government Advocate (Crl. Side) on instructions, submitted that the points raised by the petitioners are matters for trial and the same cannot be adjudicated at this stage. Hence, he prays for dismissal of this petition.

5.Heard the learned counsel on either sides and perused the materials available on records.



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6.A careful reading of the FIR itself would suffice to conclude that the petitioners have been implicated without any material. If the respondent Police is permitted to proceed further, the same would amount to nothing but an abuse of the process of law. Despite the lapse of more than three years, the final report has not been filed.

7.Considering the nature of the offences and the fact that the case has been pending since the year 2022, this Court is not inclined to permit the first respondent to continue with the investigation and the impugned FIR is liable to be quashed.

8.Accordingly, this Criminal Original Petition stands allowed. The impugned FIR in Crime No.169 of 2022 on the file of the first respondent is hereby quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

09.12.2025

Index: Yes/ No
Internet: Yes/No
vsg

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TO

1. The Inspector of Police,
Thottiyam Police Station,
Trichy-621209.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI,J.,

vsg

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