



Crl.O.P.(MD) No.3294 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.3294 of 2025

and

Cr1.M.P(MD) No.2263 of 2025

P.Ramesh

... Petitioner

Vs.

1. The Inspector of Police
Panagudi Police Station
Tirunelveli District

2.Subramanian
Zonal Deputy Tahsildhar
Radhapuram
Tirunelveli District

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records relating to the impugned First Information Report in Crime No. 1049 of 2024 on the file of the first respondent herein and quash the same as against this petitioner.

For Petitioner : Mr.K.Rajeshwaran

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



Crl.O.P.(MD) No.3294 of 2025

ORDER

WEB COPY This petition has filed to quash the First Information Report in Crime No. 1049 of 2024 on the file of the first respondent police.

2. The learned counsel appearing for the petitioner would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No. 1049 of 2024 for the offences under Sections 303(2) of BNS and Section 21(1) of Mines and Minerals(Development and Regulation) Act, 1957 as against the petitioner alleging that the petitioner is the owner of the vehicle bearing No. TN 49 CH 4460 and he transported red sand without any valid permit and license. Thereafter no proper investigation was conducted by the first respondent and the investigation is pending. Infact the petitioner has not committed any offence as alleged in the First Information Report and already the petitioner obtained permission from the District Collector vide Na.Ka.No. 236/Mines.2/2022 dated 25.10.2024 and also got permit to carry red sand for the lorry bearing Reg. No. TN 49 CH 4460 from the concerned authorities. The petitioner also produced all relevant documents before the investigation officer but the same has not been considered and therefore the pending First Information Report is abuse of process of law and the same is liable to be quashed.



WEB COPY

3. The learned Government Advocate (Crl.Side) appearing for the respondents would submit that on 24.12.2024 while the defacto complainant conducted vehicle check up the accused drove the lorry bearing Reg.No. TN 49 CH 4460 carried red sand. Thereafter the driver of the lorry escaped by leaving the lorry and thereafter they have taken the lorry through another driver and without any permission red sand was transported, thereby they lodged complaint and based on the complaint the first respondent registered a case in Crime No. 1049 of 2024 for the offences under Sections 303(2) of BNS and Section 21(1) of Mines and Minerals(Development and Regulation) Act, 1957 and the case is now under investigation and thereby the petition is liable to be dismissed.

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

5. Based on the complaint lodged by the second respondent the first respondent registered a case in Crime No. 1049 of 2024 for the offences under Sections 303(2) of BNS and Section 21(1) of Mines and Minerals(Development and Regulation) Act, 1957. The case of the prosecution is that without any valid license and permit the petitioner has transported red



Crl.O.P.(MD) No.3294 of 2025

sand through vehicle bearing Reg.No. TN 49 CH 4460. According to the petitioner the said vehicle had valid license and permit to carry red sand and the permit was also produced before the authorities but they have not considered. Now the petitioner also produced copy of the order passed by the District Collector for taking sand and permit granted to the vehicle bearing Reg.No.TN 49 CH 4460 on 25.10.2024 and therefore the petitioner has transported sand with due permit and license. Further the respondents have also not disputed the permit granted to the petitioner and the vehicle bearing Reg. No. TN 49 CH 4460 and therefore without any materials the pending First Information Report is abuse of process of law and thereby it is liable to be quashed.

6. In view of the same, the Criminal Original Petition stands allowed and the First Information Report in Crime No. 1049 of 2024 on the file of the first respondent police is hereby quashed. Consequently connected miscellaneous petitions stand closed.

15.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
aav



Crl.O.P.(MD) No.3294 of 2025

WEB COPY
To

1. The Inspector of Police
Panagudi Police Station
Tirunelveli District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.3294 of 2025

P.DHANABAL, J.

aav

Crl.O.P(MD)No.3294 of 2025

15.04.2025