



Crl.O.P(MD)No.5852 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.5852 of 2024

and

Crl.M.P(MD)No.4412 of 2024

Gnanaguru

... Petitioner

Vs.

1.The State,
Represented by,
The Inspector of Police,
Nathampatti Police Station,
Viruthunagar District.

2.Arumugam

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., 2023, to call for the records in connection with FIR in Crime No.309 of 2020 on the file of the first respondent and quash the same in so far as the petitioner is concerned and pass any other order or direction as this Court.

For Petitioner	: Mr.A.S.Vaigunth
For R-1	: Mr.M.Sakthi Kumar
	Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition is filed by the petitioner to quash the FIR in Crime No.309 of 2020 for the offences under Section 379 of the Indian Penal Code, 1860 and Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957 on the file of the first respondent police.

2. The case of the prosecution is that on 15.07.2020 at about 15.45 hours, the Village Administrative Officer of Elanthikulam lodged a complaint stating that without any permission somebody transported the sand from the pond and thereby, they went to Sirukulam Kanmai. At that time, the vehicles bearing Registration No.TN 57 BJ 4538 and TN 67 BF 5398 loaded with soil and a JCB also found without any registration number. Thereafter, they came to know that the JCB driver is Karthikeyan and the tractor drivers are Manickam and Gnanaguru. Thereafter, the vehicles were taken to the concerned police station and thereafter, they registered a case in Crime No.309 of 2020. The petitioner was arrayed as third accused and now he challenged the said FIR.

3. The learned Counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent that the



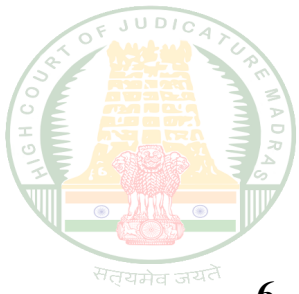
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petitioner along with others have engaged in sand theft by taking the sand from the pond for sale. In fact the petitioner has not committed any offence and he is an innocent person. The second respondent had given name of the petitioner without identifying the persons, who actually involved in this case. Now the petitioner got a job in the Government Transport Department as Conductor and due to the pendency of the criminal case, he unable to get a job. In fact without identifying the real accused, the second respondent lodged a complaint in the name of the petitioner. Therefore, the pending FIR is liable to be quashed.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that based on the complaint given by the second respondent, they registered a case in Crime No.309 of 2020 and now the case is under investigation. Therefore, at this stage, the prayer of the petitioner cannot be considered. Therefore, the petition is liable to be dismissed.

5. This Court had heard both sides and perused the materials available on record.

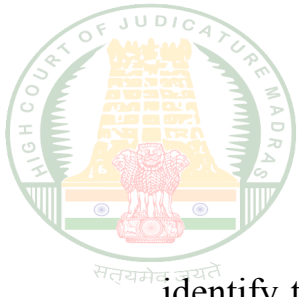


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6. According to the petitioner, the second respondent without identifying the real accused lodged a complaint against the petitioner by including his name as one of the accused. In fact he has not committed any offence. There is no nexus between the petitioner and the above said occurrence and now the petitioner got employment from the Transport Department as Conductor. Therefore, he filed this petition.

7. On perusal of FIR, it reveals that the second respondent lodged a complaint without any identification. There is no any records as to how the second respondent identified the names of the accused and from whom he had know about the names of the accused. Even according to the second respondent, in the complaint he stated that the vehicles were taken through other persons and no reference about the presence of the accused. Moreover, there is no progress in the investigation for the past five years and the date of FIR is 15.07.2020 and so far they have not filed any charge sheet and not completed the investigation. Now the petitioner also got employment from the Transport Department. Therefore, without any materials the petitioner cannot face the trial of the case. Since there is no any progress in the investigation for the past five years and also there are no materials as against the petitioner to



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identify the petitioner that he also participated in the above said occurrence, it is not appropriate to continue the proceedings and the same is abuse of process of law. Therefore, this Criminal Original Petition stands allowed and the case in Crime No.309 of 2020 is quashed as against this petitioner. Consequently, connected Miscellaneous Petition stands closed.

12.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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



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P.DHANABAL, J.

BTR

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