



CrI.O.P.(MD)No.7991 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.(MD) No.7991 of 2025

and

CRL MP(MD) No.5995 of 2025

1.Manojikumar

2.Nithish Kumar.K

... Petitioners / Accused 1 & 2

-Vs-

1.The State of Tamilnadu Rep By
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
Crime No.741/2020.

... Respondent No.1 / Defacto Complainant

2. Aanantha Jothi,
Government Official (Non-Gazetted),
Village Administrative Officer,
No.155, Palanchur,
Pattukottai Taluk,
Thanjavur District.

... Respondent No.2 / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.741 of 2020 on the file of the 1st respondent Police and quash the same.

For Petitioners : Mr.Sudhanthiran.S
Advocate.



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For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R2 : No appearance

ORDER

The petitioner seeks to quash the FIR in Crime No.741 of 2020 on the file of the 1st respondent Police, registered for the offences punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2. It is alleged in the impugned FIR that the petitioners were found transporting river sand illegally in a Bolero Pickup vehicle bearing registration No.TN 36 F 5686 and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the impugned FIR is an abuse of process of law; that the respondents have not even stated in the FIR about the quantity of the river sand alleged to have been stolen; that the respondents have no jurisdiction to file the final report for the offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act; that though the FIR was registered on 19.05.2020, the respondents have not filed the final report so far; that even if they are allowed



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to file the final report, it would be barred by limitation and hence, he prays for quashing the impugned FIR.

4. The learned Additional Public Prosecutor, on instructions, would submit that the offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act is made out; that though the impugned FIR cannot be registered by the authorized officer, he would be empowered to file a complaint; that the final report, in respect of the offence under Section 379 of IPC has not been filed before the Court so far; and that there is no justifiable reason for the delay in filing the final report.

5. It is well settled that the respondents have no jurisdiction to file the final report for the offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act. The Court can take cognizance only on the complaint of the authorized officer. As regards the offence under Section 379 of IPC, the maximum sentence provided for the said offence is three years imprisonment. As per Section 468(2)(b) of Cr.P.C., the respondents ought to have filed the final report within a period of three years from the date of commission of the offence.



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6. Admittedly, the respondents have not filed the final report so far and they have no justifiable reason for the delay in filing the same. Hence, no useful purpose would be served in keeping the FIR pending investigation as any final report that is likely to be filed would be barred by limitation. However, it is made clear that the quashing of the impugned FIR would not bar the authorized officer to file a complaint under Section 22 of Mines and Minerals (Development and Regulation) Act, if any offence under the said act is made out.

7. With the above observations, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

31.10.2025

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

Indu/dk

To

1.The InSpector of Police,
Paramakudi Town Police Station,

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Ramanathapuram District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu/dk

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