



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl. O.P(MD) No. 10119 of 2024
and
Crl.MP(MD)No.6854 of 2024

- 1.Prabhu
- 2.Manikandan
- 3.Jude Albert Raja
- 4.Jegan
- 5.Sanju
- 6.Albert
- 7.Gilginraj ... Petitioners/Accused No.1 to 7

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Anjugramam Police Station,
Anjugramam, Kanyakumari District.
(Crime No.152 of 2024) ... Respondent No.1/Complainant
2. K.Sobhanaraj ... Respondent No.2/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records in Crime No.152 of 2024 on the file of the 1st respondent, Anjugramam Police Station, Kanyakumari District, and quash the same.



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For petitioners : Mr.C.K.M.Appaji

For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

For R2 : No Appearance

ORDER

This criminal original petition has been filed to quash the impugned FIR in Crime No.152 of 2024 on the file of the first respondent, Anjugramam Police Station, Kanyakumari District.

2. The learned counsel for the petitioners submitted that the instant crime came to be registered as against the petitioners for the offence under Section 379 of IPC for transporting M.sand beyond the permissible limit. The respondent police have no authority to register a case for the offence under Section 379 of IPC for overloading M.sand and they ought to have imposed fine on the petitioner since the petitioner has transported M.sand with proper permit. Hence, he sought the indulgence of this Court in quashing the same. For which, he relied upon the order passed by this Court in CrI.OP(MD)No.1173 of 2022, dated 14.03.2022.

The relevant portion of the said order is as follows:-

“3.In fact, in similar placed matters, the very same first respondent charged the lorry for overload and



imposed fine. Whereas, in the case on hand as against the petitioner, the case was registered for the offence under Section 379 IPC, for which, there is absolutely no ingredients are made out to attract the said offence. Therefore, it amounts to clear abuse of process of law and it cannot be sustained.

4. In view of the above, this Criminal Original Petition is allowed and the Crime No.293 of 2021, on the file of the first respondent is hereby quashed. Consequently, connected miscellaneous petition is closed.”

3. Heard the learned Government Advocate (Crl.Side) appearing for the State.

4. This Court carefully considered the submissions made on either side and also perused the order passed by this Court, dated 14.03.2022.

5. From the perusal of the order passed by this Court, dated 14.03.2022, the only option for the respondent police is that they ought to have imposed a fine on the petitioner herein for transporting overload of



minerals and sand. However, instead of doing so, they have registered a case for the offence under Section 379 IPC, which is not impermissible. It is the considered opinion of this Court that, the ingredients of Section 379 IPC is not made out to attract the said offence. Hence, the FIR registered against the petitioner is liable to be quashed.

6. Accordingly, the impugned FIR in Crime No.152 of 2024 on the file of the first respondent, Anjugramam Police Station, Kanyakumari District, is hereby set aside and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

05.12.2025

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

To

1. The Inspector of Police,
Anjugramam Police Station,
Anjugramam, Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI,J

dss

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