

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22-07-2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

**CRL OP(MD) No. 12350 of 2025 and
CrIMP(MD)No.9579 of 2025**

1. Lipton @ Lipton Ponsingh
S/o.Dhanadurai Singh, No.4/1/1M,
Ettaiyapuram Road, Melur
Thoothukudi, Thoothukudi District.

Petitioner(s)

Vs

1. The State of Tamilnadu
Rep by The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District. Crime No.
324/2025.

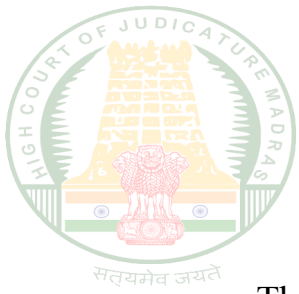
2.Prabhu
Revenue Divisional Officer,
Thoothukudi, Thoothukudi.

Respondent(s)

PRAYER: Petition filed under Section 528 of BNSS, to call for the records pertaining to the Crime No.324 of 2025 dated 17.06.2025 on the file of the 1st respondent police and quash the same.

For Petitioner(s): Mr.S.Vishnuvardhan

For Respondent(s): Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl Side)
for R1



ORDER

The petitioner A5 in Crime No.324 of 2025 on the file of the 1st respondent Police has filed this petition to quash the proceedings in Crime No.324 of 2025 pending as against him.

2. The case in Crime No.324 of 2025 is registered for the offence under Section 303(2) of BNS and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 by the 1st respondent police based on the report of the RDO, Thoothukudi. The RDO, Thoothukudi has intercepted the vehicle on 17.06.2025 at 3.00pm and found illegal transportation of mineral.

3. The learned counsel for the petitioner has attacked the first information report on two grounds that the vehicle bearing Reg.Nos.TN 69 AX 2458 and TN 18 AF 2458 in which the mineral has been transported belongs to the petitioner's father and the petitioner is in no way connected with the vehicle, however, the petitioner has been roped in this case and further the petitioner's father has obtained a valid permit for transportation of gravel sand from Srivaikundam to Mandapam. He further submits that the Assistant Director (Geology and Mining) has given permission to transport mineral from Srivaikundam to Mandapam on 17.06.2025 between 10.30 am and 5.30 pm. However, the driver of the vehicle has taken the vehicle at 3.00 pm instead of 10.30am.

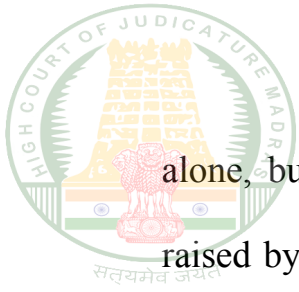


4. In response, the learned Government Advocate (Crl Side) submits that the RDO, Thoothukudi has intercepted the offending vehicle on 17.06.2025 and found that they have illegally transported the mineral. Further at the time of inspection, this permission was not at all produced to the RDO.

5. This Court considered the rival submissions made and perused the materials placed on record.

6. The petitioner has filed this quash petition on two grounds that the offending vehicle belongs to the petitioner's father and he is in no way connected to the vehicle and a valid permission is obtained for transporting mineral. The complaint appears to have been lodged by the RDO. RDO is part of the District Level Task Force. On verification with the driver of the vehicle, the said permission issued by the Department was not produced to him. It is not known whether by misusing the permission, mineral has been transported illegally. It is a matter for investigation. Therefore, this court is not inclined to interfere with the first information report at this stage.

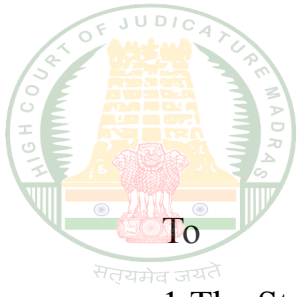
7. Though the complaint has been lodged at the instance of RDO, the respondent police is directed to conduct the investigation in a fair manner and they are not supposed to conduct the investigation in a mechanical manner based on the complaint, statement and the materials placed by the complainant



alone, but also have to conduct the investigation by considering the grounds raised by the petitioner in this petition. In the event if any case is made out as against the petitioner, the final report shall be filed for the offence under the BNS. However, for the offence under the MMDR Act a separate private complaint has to be lodged by the respondent police. Accordingly, this petition is closed with liberty to the petitioner to challenge the final report, if any filed as against him. Consequently connected miscellaneous petition is closed.

22-07-2025

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To

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Rep by The Inspector of Police,
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324/2025.

2. Prabhu
Revenue Divisional Officer,
Thoothukudi, Thoothukudi.

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



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B.PUGALENDHI J.

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