



Crl.O.P.(MD)No.15650 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15650 of 2024

and

Crl.M.P.(MD).No.9816 of 2024

1.Maruthu Pandi

2.Rajaram

3.Radhakrishnan

4.Raguvel

... Petitioners/Accused 1 to 4

Vs.

1.State Rep. by,
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No. 316/2019)

... 1st Respondent/Complainant

2.Sundari,
Village Administrative Officer,
Thiruppuvanam Taluk,
Sivagangai District.

...2nd Respondent/ Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.210 of 2022 on the file of District Munsif cum Judicial Magistrate Court, Thiruppuvanam and quash the same as against the petitioners.



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For Petitioners : Mr.P.Suresh
For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to quash the impugned final report in C.C.No.210 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, which was filed for the offences under Section 379 IPC read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

2. The allegation in the final report is that on 06.09.2019 at about 6.00 AM, the petitioners were found in possession of one unit of river sand in vehicle bearing Registration No.TN 67 R 4698 and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that though the first respondent had filed the final report for the offence under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, the learned Magistrate has taken cognizance for the offence under Section 379 of IPC; that the Authorised Officer has so far not filed any complaint before the learned



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Magistrate under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, since the sand has not been recovered from the petitioners, the prosecution against the petitioners would be a futile exercise and sought for quashing of the final report.

4. The learned Additional Public Prosecutor, on instructions, would submit that the stolen property, namely, the sand has not been recovered; and that the Authorised Officer has filed a complaint under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, which is yet to be taken on file.

5. The alleged occurrence took place on 06.09.2019. The petitioners are said to have transported one unit of river sand in the vehicle. The alleged stolen property has not been recovered. Unless the prosecution establishes that the stolen property is river sand, the prosecution cannot be sustained, which cannot be done in this case in the absence of the stolen property. Hence, this Court is of the view that in the absence of the stolen property, the chances of conviction of the petitioners are bleak and therefore, no useful purpose would be served in keeping the impugned proceedings pending trial. Hence, the impugned final report in C.C.No.210 of 2022 on the file of the learned District Munsif cum



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Judicial Magistrate, Thiruppuvanam is liable to be quashed and accordingly
quashed.

6. Accordingly, this Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

25.10.2025

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

To

1.The District Munsif cum Judicial Magistrate Court,
Thiruppuvanam.

2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

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



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SUNDER MOHAN, J.

Lm

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