



CrI.O.P.(MD)No.13572 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2025

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.13572 of 2025
and CrI.M.P.(MD)No.10811 of 2025

V.Suresh

... Petitioner

versus

The State rep. by
The Inspector of Police,
Sakkottai Police Station,
Sivagangai.

... Respondent

Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the impugned FIR in Crime No.161 of 2025 dated 13.06.2025 registered on the file of the respondent herein against the petitioner for the offences under Section 303(2) of BNS Act and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 and quash the same as illegal.

For Petitioner : Mr.K.G.Arunkumar

For Respondent : Mr.P.Kottaichamy

Government Advocate (CrI. Side)

ORDER

The petitioner is the 3rd accused in Crime No.161 of 2025. The respondent Police has registered the case in Crime No.161 of 2025 as



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against the petitioner and two others for the offences under Sections 303(2) of BNS Act and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. The petitioner has been added as accused based on the confession statement of accused Nos.1 and 2. Now, the petitioner has moved this petition to quash the FIR in Crime No.161 of 2025 registered against him.

2. The learned counsel appearing for the petitioner submits that the petitioner is in no way connected with the offence. However, based on the alleged confession statement recorded from accused Nos.1 and 2, the petitioner has been added as accused. Apart from the confession statement, there is no other material as against the petitioner. He further submits that the petitioner belongs to opposite political party. Therefore, this case has been foisted against him.

3. The learned Government Advocate (Crl. Side) submits that the petitioner has obtained a contract for desilting a water body. Taking advantage of the same, he has taken soil from the water body and sold the same to private people. On receiving secret information, the respondent



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police went to the spot and arrested the accused Nos.1 and 2, when they have been illegally transporting the gravel sand from the water body.

They have also recorded the confession statement of accused Nos.1 and

2. In the confession statement, they have stated that it is the petitioner, who directed them to take the soil and sell it to the private people.

4. The learned counsel appearing for the petitioner submits that tender for desilting the water body has been taken by the petitioner's brother. However, under misconception that it has been taken by the petitioner, the respondent Police has registered the case as against him.

5. This Court considered the rival submissions made.

6. The petitioner claims that he has not committed any offence, however, this case has been foisted against him due to political enmity. Even according to the respondent Police, the petitioner has been implicated only through the confession statement. The occurrence had taken place on 13.06.2025. This case is pending at the stage of investigation.



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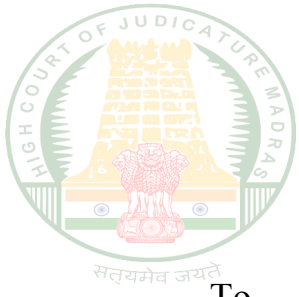
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7. The investigation is a process to find out the truth. The investigation officer is not expected to conduct the investigation in a mechanical manner. The investigating officer is directed to conduct the investigation by considering the grounds raised by the petitioner in this petition. In the event, if the petitioner is added as an accused in the final report, it is open to the petitioner to challenge the final report in the manner known to law.

8. Since the case is pending at the stage of investigation, this Court is not inclined to interfere with the investigation by entertaining this petition. With a hope that the investigation agency would conduct the investigation in a proper manner, this Criminal Original petition is closed. Consequently, connected miscellaneous petition is closed.

14.08.2025

Index : Yes / No.
Internet : Yes / No.
NCC : Yes / No.
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1. The Inspector of Police,
Sakkottai Police Station,
Sivagangai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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