



CRL OP(MD). No.14895 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**CRL OP(MD). No.14895 of 2025
and
CrI.M.P(MD).No.12102 of 2025**

1. Manoj Babu,
2. Murugesan,
3. Murugesan,
4. Paramasivan,
5. Parthiban,
6. Mariselvam, ... Petitioners

Vs

1. The Inspector of Police,
Kadambur Police Station,
Thoothukudi District.
2. R.Ebenezer,,
Sub-Inspector of Police,
Kadambur Police Station,
Thoothukudi District.. ... Respondents



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PRAYER :- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the FIR in Crime No.309 of 2020 on the file of the first respondent police and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.A.S.Vaigunth

For R1 : Mr.K.Sanjay Gandhi
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking quashment of the FIR in Crime No.79 of 2020 on the file of the first respondent police, registered for the offences under Sections 379 r/w 511 of IPC and Section 21(1) of Mines and Minerals Act.

2. The allegation is that the petitioners were found digging sand with the help of tractor and a JCB and hence attempted to commit theft of minerals.

3. The learned counsel for the petitioners would submit that the impugned FIR is liable to be quashed as the respondents have not filed a final report so far; that the respondent police ought to have filed the final



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report within a period of three years, as the maximum sentence that can be imposed for the offence under Section 379 IPC is three years imprisonment; that the limitation provided under Section 468(2) of Cr.P.C is three years; and that the respondent police have no jurisdiction to file the final report for the offence under Section 21(1) of the Mines and Minerals (Development Regulation) Act.

4. The learned Additional Public Prosecutor, on instructions, would fairly submit that the final report has not been filed so far; that the respondent police have no justifiable reason for the delay; that no other offences are made out on the allegation made in the FIR and that the petitioners have no previous antecedents.

5. It is well settled that the respondent police have no jurisdiction to file the final report for the offence under Section 21(1) of the Mines and Minerals (Development Regulation) Act and that the Court can take cognizance of the said offence only on the complaint of an authorized officer.



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6. As regards the offence under Section 379 IPC, it is seen that the alleged occurrence took place on 20.06.2020. The police ought to have filed the final report within a period of three years, as the maximum sentence that can be imposed for the offence under Section 379 IPC is three years imprisonment. The limitation provided under Section 468(2) (b) of Cr.P.C is three years.

7. The respondent police have not filed the final report, even after five years and they have no justifiable reason for the delay. No other offences are made out against on the petitioners. The petitioners have no bad antecedents. This Court is of the view that even if the respondents are allowed to file the final report, at this stage, it would be barred by limitation and that no useful purpose would be served in keeping the impugned FIR pending investigation. Accordingly, the impugned FIR in Crime No.309 of 2020 is quashed and the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

24.10.2025

TTA / ARS



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TO

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1. The Inspector of Police,
Kadambur Police Station,
Thoothukudi District.
2. R.Ebenezer,,
Sub-Inspector of Police,
Kadambur Police Station,
Thoothukudi District..
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SUNDER MOHAN,J



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TTA/ARS

**ORDER
IN
CRL OP(MD) No.14895 of 2025**

Date : 24/10/2025