



Crl.O.P.(MD)No.20043 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.20043 of 2024

and

Crl.M.P(MD) No.12371 of 2024

Kannan

.. Petitioner

Vs.

1. The Inspector of Police
Villoor Police Station
Madurai District

2. J. Baskarasethu
Sub Inspector of Police
Villoor Ppolice Station
Madurai District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the case in Spl.S.C.No.54 of 2023 on the file of the Special Court to deal with the cases of offence in contravention of the Provisions of the Mines and Minerals (Development and Regulation)Act, 1957, Madurai and quash the same as illegal as against the petitioner alone.



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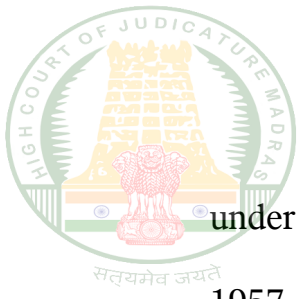
For Petitioner : Mr.M.Seeni Sulthan
For Respondents : Mr.M.Vikkam Karunanithi
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.54 of 2023 on the file of the Special Court to deal with the cases of offence in contravention of the Provisions of the Mines and Minerals (Development and Regulation)Act, 1957, Madurai .

2. The case of the prosecution is that on 12.06.2021 at about 11.00 a.m., the petitioner illegally transported sand from Kandiyathevanpatti Village through a vehicle bearing Reg. No. TN 64 S 1977 and thereby committed theft under Section 379 of IPC and Section 4(1),(1A),21(1) of MMDR Act,1957. Based on the complaint given by the second respondent, the first respondent registered a case and thereafter after completing investigation filed final report and the now the case is taken cognizance by the trial Court.

3. The learned counsel appearing for the petitioner would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No.68 of 2021 for the offences



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under Section 379 of IPC and Section 4(1),(1A),21(1) of MMDR Act, 1957. Thereafter without conducting proper investigation the first respondent filed final report and the trial Court also without any *prima facie* materials has taken cognizance . As per the case of prosecution on 12.06.2021 at about 11.00 am., when the defacto complainant was in patrol duty they found the petitioner and the lorry bearing Reg.No. TN 64 S 1977 and the same was intercepted and found that the red sand was transported without any valid license. Infact the petitioner is the driver of the lorry and working with the Government Contractor namely Lucky Associates and the petitioner is employed for constructing a bridge at Kollaveeranpatti road under SCPAR 2020-2021 scheme, T.Kallupatti Panchayat Union, Madurai District. During such time, the Assistant Engineer (RD), Panchayat Union, T.Kallupatti specifically permitted the lorry of the petitioner to transport red sand availing from the Kolliveeranpatti road construction site to lay road at Vaiyur AD Colony. The District Collector, Madurai has also issued proceedings in Na.Ka.No.T13/2322/2020, dated 08.02.2021. While so, the second respondent lodged a false complaint against the petitioner and the same is abuse of process of law and hence the pending proceedings are liable be quashed.

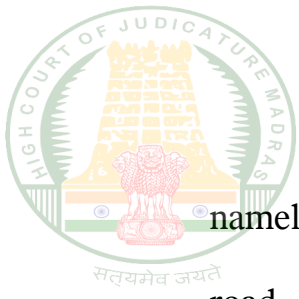


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4. The learned Government Advocate (Crl.Side) appearing for the respondents would submit that based on the complaint lodged by the second respondent the first respondent registered a case in Crime No. 68 of 2021 for the offences under Section 379 of IPC and Section 4(1),(1A), 21(1) of MMDR Act,1957. Thereafter the first respondent conducted investigation and filed final report. As per the final report there are prima facie materials available to proceed as against the petitioner therefore the petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. Against the petitioner a case has been registered in Crime No. 68 of 2021 for the offences under Section 379 of IPC and Section 4(1),(1A), 21(1) of MMDR Act,1957 and thereafter the first respondent completed investigation and filed final report and the same was taken cognizance by the trial Court in Spl.S.C.No.54 of 2023. The allegation against the petitioner is that the petitioner had illegally transported sand through a lorry bearing Reg.No.TN 64 S 1977 without any valid license. According to the petitioner he is working as a driver under Government Contractor



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namely lucky associates. While the petitioner was taking sand for laying road for constructing bridge Kollaveeranpatti road under SCPAR 2020-2021 scheme, T.Kallupatti Panchayat Union, Madurai District, the lorry was intercepted. The District Collector issued proceedings in Na.Ka.No.T13/2322/2020 dated 08.02.2024 and Assistant Engineer (RD) for the also permitted the petitioner to lorry to transport red sand. However the second respondent lodged complaint and the first respondent registered a case. Since the petitioner had transported sand for construction work after getting permission and this Court also perused the permit issued for the work in the name of lucky associates and the AE(RD) has also permitted the lorry bearing Reg.Nos.TN 64 S 1977, TN 64 T 6566 and TN 64 T 6665 for the SCPAR 2020-21 Kolliveeranpatti road work, hence the complaint lodged against the petitioner is abuse of process of law. More over there is procedural violation in filing final report under the Mines and Minerals(Development and Regulation) Act, thereby the pending proceedings is abuse of process of law.

7. In view of the same, the Criminal Original Petition stands allowed and the proceedings in Spl.S.C.No.54 of 2023 on the file of the Special Court to deal with the Mines and Minerals(Development and



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Regulation) Act, Madurai is hereby quashed. Consequently connected miscellaneous petition stands closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
aav

To

1. The Special Court to deal with the Mines and Minerals
(Development and Regulation) Act, Madurai
2. The Inspector of Police
Villoor Police Station
Madurai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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