



*Crl.O.P.(MD)No.15130 of 2025*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED : 12.09.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD).No.15130 of 2025**

**and**

**Crl.M.P.(MD).No.12284 of 2025**

A.Sheik Abdulla

... Petitioner / Sole Accused

**Vs.**

1.The State of Tamil Nadu,  
through the Inspector of Police,  
S.P.Pattinam Police Station,  
Ramanathapuram District,  
Cr.No.13 of 2019.

...Respondents / Complainant

2. Paluchamy,  
Special Sub Inspector of Police,  
S.P.Pattinam Police Station,  
Thiruvadanai Taluk,  
Ramanathapuram District.

...Respondents / De-facto Complainant

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the F.I.R. in Crime no. 13 of 2019 on the file of the 1<sup>st</sup> Respondent Police Station and quash the same as it has no prima facie case as against the Petitioner.

For Petitioner : Mr.S.Atham Ali

For R1 : Mr.R.M.Anbunithi  
Additional Public Prosecutor



**Crl.O.P.(MD)No.15130 of 2025**

## **ORDER**

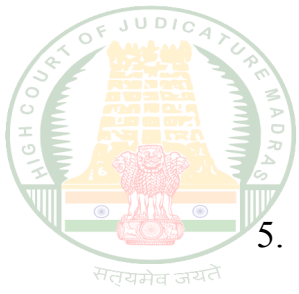
WEB COPY

The petitioner has filed this petition challenging the FIR in Crime No.13 of 2019 on the file of the first respondent Police Station for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

2. The allegation in the FIR against the petitioner is that when he was transporting the river sand illegally in a bullock cart, he was intercepted by the first respondent Police.

3. The learned counsel for the petitioner would submit that the allegations made in the FIR are false; and that though the FIR has been registered in the year 2019, the first respondent has not filed the Final Report before the concerned Court so far; and that the alleged bullock cart with river sand has not been produced before the concerned Court.

4. Further he would submit that the allegations made in the FIR are vague; and that there is no independent witness for seizure of the property/contraband. Hence, the impugned FIR in Crime No.13 of 2019 cannot be sustained and he sought for quashing of the same.



***Crl.O.P.(MD)No.15130 of 2025***

5. The learned Additional Public Prosecutor, on instructions, would submit that the investigation on the impugned FIR is going on and the Final Report has not been filed. He would further submit that there is no limitation prescribed for the offence under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, which is punishable with the imprisonment upto five years. He would fairly submit that the property/contraband was seized from the petitioner, but has not been produced before the concerned Court so far.

6. The allegation in the impugned FIR is that the petitioner transported the river sand illegally in the bullock cart. However, the quantity is not mentioned in the FIR and the allegations are very vague. Admittedly, there are no independent witnesses for seizure of the property/contraband. There are no bad antecedents against the petitioner. No investigation has been conducted so far.

7. Hence, considering the fact that no investigation has been conducted so far; that the contraband has not been produced before the concerned Court and even the quantity of the sand said to have been stolen has not been mentioned, this Court is of the view that no useful purpose would be served in



***Crl.O.P.(MD)No.15130 of 2025***

keeping the impugned FIR in Crime No.13 of 2019 on the file of the first respondent Police for further investigation. Therefore, to secure the ends of justice, this Court is inclined to quash the impugned FIR in Crime No.13 of 2019 on the file of the first respondent Police and accordingly quashed.

8. In the result, this Criminal Original Petition is allowed. Consequently, connected Miscellaenous Petition is closed.

**12.09.2025**

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

Indu

To

- 1.The Inspector of Police,  
S.P.Pattinam Police Station,  
Ramanathapuram District.
- 2.The Special Sub Inspector of Police,  
S.P.Pattinam Police Station,  
Thiruvadanai Taluk,  
Ramanathapuram District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

4/5



WEB COPY



***Crl.O.P.(MD)No.15130 of 2025***

**SUNDER MOHAN, J.**

Indu

**Crl.O.P(MD).No.15130 of 2025**

**12.09.2025**