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Crl.O.P.(MD)No.664 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.664 of 2025

Murugan

... Petitioner

Vs.

The State of Tamil nadu
rep., by the Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No.252 of 2024

... Respondent

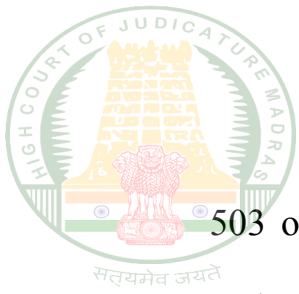
PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Judicial Magistrate, Kadaladi, Ramanathapuram District to number the petition in Crl.M.P.No. of 2024 in Cr.No.252 of 2024 on the file of the Sayalkudi Police Station.

For Petitioner : Mr.B.Mahendrarajan

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)

ORDER

The petitioner owner of the tractor bearing Registration No.TN 65 AV 6557 had filed a return of property petition under Sections 497 and



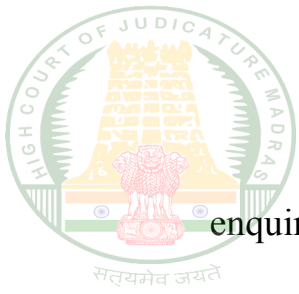
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503 of BNSS. The said petition was returned on 10.12.2024 with an endorsement that FIR in Crime NO.252 of 2024 has not been received.

Hence, the above petition seeking appropriate direction.

2. The learned Government Advocate (crl.side) submitted that case in Crime No.252 of 2024 for the offence under Section 21(1) of Mines and Minerals(Development and Regulation) Act was registered. He fairly submitted that in this case, no IPC offence has been invoked and FIR for Mines and Minerals Act cannot be registered, since it is not Police officer, it is only authorised officer, who can lodged a complaint and take action. He further submitted that in this case, the value of the sand has also not been recorded, which is requirement under New Act. He fairly submitted that the vehicle was detained in the police station, not produced before the Court.

3. Considering the submissions and perusal of materials, this Court finds that admitted case of the prosecution is that one Muthuselvam was driving the Tractor bearing Registration No.TN 65 AV 6557 and the tractor was loaded with sand. When the tractor was stopped and while checking was made, it was found that one unit of sand was there and on



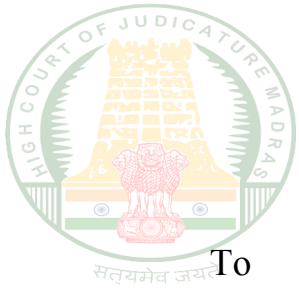
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enquiry, it was revealed that the sand was transported from S.T.Sethurajapuram from the field of the petitioner. The sand has been taken from the petitioner's field and not from any Government land. The only mistake committed is that permission has not been granted, otherwise taking sand from his own field for agricultural purpose and for his own use, cannot be said to be illegal mining, intended for trade. In view of the same, this Court quashes the FIR in Crime No.252 of 2024 and the Inspector of Police, Sayalkudi Police Station, to forthwith hand over the tractor bearing Registration No. TN 65 AV 6557 to the petitioner.

4. With the above direction, this Criminal Original Petition is allowed.

NCC : Yes / No
Index : Yes / No
Rmk

10.01.2025



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To

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- 1.The Judicial Magistrate, Kadaladi, Ramanathapuram District.
- 2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
Crl.O.P.(MD)No.664 of 2025

Dated: 10.01.2025