



Crl.O.P.(MD) No.15918 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15918 of 2025

and

Crl.M.P(MD) No.12989 of 2025

Jeyaprakash

... Petitioner/1st Accused

Vs.

1.The State of Tamilnadu,

Represented by

The Deputy Superintendent of Police,

Cbcid, Madurai.

(In Crime No.03/2024 of CBCID South Ramnad P.S)

... 1st Respondent/Complainant

2.P.Manimaran

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the FIR in Crime No.3 of 2024 on the file of the 1st respondent and quash the same as far as the petitioner is concerned.

**For Petitioner : Mr.Sricharan Rangarajan, Senior Counsel
for Mr.Dhilipan Pandian.R.L**

**For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor**



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ORDER

This petition has been filed to quash the impugned FIR in Crime No.3 of 2024 on the file of the first respondent Police, which has been filed for the offences punishable under Sections 303(2) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2. The gist of the allegation in the impugned FIR is that on 15.07.2024 at about 10.00 a.m., the Sub-Inspector of Police attached to the first respondent Police Station along with the VAO, while on patrol duty, intercepted a lorry bearing Registration No.TN 65 P 1005; that on inspection, they found that two units of Savudu soil was transported illegally in the said lorry; that thereafter, the vehicle was seized with the soil and thus, the petitioner is involved in the aforesaid offences.

3. The learned Senior Counsel for the petitioner would submit that the impugned FIR was registered by the first respondent pursuant to an order passed by this Court in Crl.O.P(MD) No.12345 of 2024, dated 08.08.2024, which was filed challenging the FIR filed by the local Police / Nainarkoil Police Station, Ramanathapuram, in Crime No.131 of 2024 with regard to the



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same incident; that this Court found that the local Police has not investigated the case properly and it would be desirable to transfer the investigation to the CBCID; that the Deputy Superintendent of Police, CBCID, Madurai, was directed to file a report before this Court within a period of three months; that the CBCID had filed a preliminary report on 07.01.2025, stating that the Inspector of Police did not investigate the matter thoroughly and the seizure mahazar was prepared at the Police Station itself; that in the meanwhile, the Assistant Director of Geology Department had submitted a report on 06.12.2024, stating that there was no trace of theft of sand in the patta land belonging to one Karppura Sundarapandian; that the Sub-Collector of Paramakudi in his proceedings dated 26.06.2025 had also found that there is no evidence of illicit sand mining in the field as no traces were found; and hence, the registration of FIR was found to be false even according to the CBCID; and that the continuation of the investigation by the first respondent would be an abuse of process of law and sought for quashing of the impugned FIR.

4. The learned Additional Public Prosecutor, per contra, would submit that though there is infirmity in the investigation conducted by the local Police, the first respondent has collected evidence to show that the Assistant Director of Mines and Sub-Collector could not ascertain the theft, since there is



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evidence to show that the petitioners had caused the disappearance of the evidence; and since the investigation has been conducted by the first respondent on the directions of this Court, the same may not be scuttled at this stage; and that they may be permitted to file the final report within a period of one month.

5. It is not in dispute that the first respondent found that the registration of FIR by the local Police is false and that the Seizure Mahazar was prepared at the Police Station itself. In fact, the first respondent also found that no incident as reported in the First Information Report had occurred. There are also orders passed by the Assistant Director of Mines, the Sub-Collector, Paramakudi, to the effect that there is no evidence of illicit sand mining in the field and no traces were found.

6. However, it is the case of the first respondent that there is material to suggest that there is theft of soil and they may be permitted to file the final report as directed by this Court earlier.



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7. Hence, this Court is the view that it would be desirable to allow the first respondent to file the final report. It is needless to say that if there are no materials, the final report can always be challenged. The first respondent is directed to file the final report within a period of one month.

8. It is represented by the learned Additional Public Prosecutor that the first respondent do not intend to apprehend and arrest the petitioner in connection with this investigation. The said submission is taken on record and treated as an undertaking of the first respondent.

9. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

30.10.2025

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

Indu/Ars



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SUNDER MOHAN, J.

Indu/Ars

To

- 1.The Deputy Superintendent of Police,
CBCID, Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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