



Crl.O.P.(MD) No.1972 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.04.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.1972 of 2025

and

Cr1.M.P(MD) No.1353 of 2025

1. M.Manojkumar

2. R.Athiswaran

... Petitioners

Vs.

1. The Sub Inspector of Police
Thirukostiyur Police Station
Sivagangai District

2. Prakash

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the entire records connected to the impugned First Information Report in Crime No. 142 of 2021 pending on the file of the first respondent police and quash the same.

For Petitioners : Mr.P.Veerakumar

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate (Crl. Side)

No.2 : Mr.R.M.Arun Swaminathan



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ORDER

This petition has filed to quash the First Information Report in Crime No. 142 of 2021 on the file of the first respondent police.

2. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a false complaint against the petitioners and others and these petitioners were arrayed as A2 and A4. Infact these petitioners were implicated as accused based on the confession given by the co-accused. Even as per the case of prosecution the second respondent while on patrol duty found three two wheelers loaded with sand in gunny bags. After seeing the complainant the persons left the vehicle. They caught hold Ramesh Kumar along with five bags of sand and other persons escaped from the scene of occurrence after leaving the vehicle. Thereafter they enquired with Ramesh Kumar and came to know that those persons are Manoj kumar and Vikki @ Vikneshwaran. Again two persons left the vehicle along with sand bags. They came toknow that those persons are Gunasekaran and Aatheeshwaran and they transported ½ unit of sand. Therefore based on the complaint lodged by the second respondent the first respondent registered a case in Crime No.142 of



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2021 for the offences under Sections 379 of IPC and Section 21(4) of Mines and Minerals(Development and Regulation)Act. Infact these petitioners are no way connected with the above said occurrence. Only based on assumption they have been implicated as one of the accused in this case. There is no material as against these petitioners to constitute the offence as alleged in the First Information Report. Further the First Information Report was registered on 27.09.2021 and till now the respondent police has not filed final report. Further offence are punishable upto three years and thereby the case is barred by limitation, therefore the pending First Information Report is liable to be quashed.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No.142 of 2021 for the offences under Sections 379 of IPC and Section 21(4) of Mines and Minerals(Development and Regulation)Act. These petitioners along with other accused have illegally transported sand in two wheeler without any valid license, thereby they registered the case and now the case is under investigation and at this stage the petition is liable to be dismissed.



WEB COPY 4. Heard both sides and perused the materials available on record.

5. The first respondent registered the case against the petitioners and others in Crime No.142 of 2021 for the offences under Sections 379 of IPC and Section 21(4) of Mines and Minerals(Development and Regulation) Act. Even as per the First Information Report one Ramesh Kumar the first accused was caught hold while he was transporting sand in his two wheeler and thereafter the other accused persons were identified. Only based on the confession statement of the co-accused these petitioners were implicated as accused in this case. Apart from that there is no materials as against these petitioners and the case is pending from 27.09.2021 without completion of investigation.

6. Considering the nature of offences and the case is pending from 27.09.2021 and without any materials these petitioners have been included as accused in this case, therefore without any materials the pending First Information Report is abuse of process of law and thereby it is liable to be quashed.



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WEB COPY 7. In view of the same, the Criminal Original Petition stands allowed and the First Information Report in Crime No. 142 of 2021 on the file of the first respondent police is hereby quashed. Consequently connected miscellaneous petition stands closed.

21.04.2025

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

1. The Sub Inspector of Police
Thirukostiyur Police Station
Sivagangai District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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