



Crl.O.P.(MD) No.16399 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.16399 of 2025

and

Crl.M.P.(MD) Nos.13374 & 13376 of 2025

Ratheesh

... Petitioner

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Keeriparai Police Station,
Kanyakumari District.
(Crime No.98 of 2020)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records in C.C.No.20 of 2024 on the file of the learned Judicial Magistrate, Boothapandi, Kanyakumari District and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.Jebastin

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.20 of 2024 on the file of the learned Judicial Magistrate, Boothapandi, Kanyakumari District, filed against the petitioner/A4 for the offence punishable under Section 379 of the Indian Penal Code, 1860.

2. The allegation in the final report is that the petitioner and others were found in illegal possession of 32 small bags of river sand and thereby committed the aforesaid offence.

3. The learned counsel for the petitioner would submit that the petitioner had no bad antecedents; that the allegations, even if accepted to be true, are trivial in nature; and that, therefore, the impugned prosecution may be quashed by applying Section 95 of the Indian Penal Code, 1860.

4. The learned Additional Public Prosecutor for the respondent police would submit that the value of the stolen sand is about Rs.2,000/-.

5. This Court is of the view that since the value of the stolen river sand is Rs.2,000/-, the petitioner had no bad antecedents, and the harm



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caused by the petitioner is slight, the provisions of Section 95 of the

Indian Penal Code, 1860, can be invoked. Section 95 of the Indian Penal

Code, 1860, reads as follows:

“95. Act causing slight harm.—Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.”

6. That apart, it is seen that under the Bharatiya Nyaya Sanhita, 2023, the offence would be non-cognizable if the value of the property is less than Rs.5,000/-. In the instant case, the value of the property is Rs.2,000/-. Considering the above facts, the impugned prosecution, which has only caused slight harm, can be quashed, as the petitioner has no bad antecedents.

7. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/ No

Neutral Citation: Yes / No



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- 1.The Judicial Magistrate,
Boothapandi, Kanyakumari District.
- 2.The Inspector of Police,
Keeriparai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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