



Crl.O.P.(MD)No.16641of 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.16641of 2025

and

CRL MP(MD)No.14312 of 2025

1.Arul Antony Vetharaj

2.Alex Pandi

... Petitioners/ Accused (A2 & A3)

-Vs-

1.The State of Tamil Nadu, Rep.
by the Inspector of Police,
SP Pattinam Police Station,
Ramanathapuram - 623 406.
(Crime No.40 of 2020).

... 1st Respondent

2.The Village Administrative Officer,
Orur Group,
Thiruvadanai Taluk,
Ramanathapuram District.

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to Crime No.40 of 2020 pending on the file of 1st respondent Police and quash the same.

For Petitioners : Mr.Bharath Sagar.S

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



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ORDER

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The petitioners seek to quash the FIR in Crime No.40 of 2020 pending on the file of 1st respondent Police, registered for the offences punishable under Sections 379 of IPC, 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992.

2. The allegation in the impugned FIR is that the petitioners were found transporting 20 bags of river sand in two motorcycles and thus, committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the respondents have no jurisdiction to file a final report for the offences under Section 21(1) of Mines and Minerals (Development and Regulation) Act; that Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, (TNPPDL Act) would not be attracted, since there is nothing in the impugned FIR to suggest that there was destruction of, or damage to any property, which had resulted in diminishing of its value or utility; that cause of loss alone is not sufficient to prosecute a person for the said offence under the



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TNPPDL Act; that since offence under Section 379 IPC is punishable with three years imprisonment, the respondent Police ought to have filed the final report within a period of three years; and that even if they are now permitted to file the final report, it would be barred by limitation.

4. The learned Additional Public Prosecutor would submit that the allegation would constitute the offence under Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act; that, besides the offence of theft, the said offence is also made out; and that the case is pending investigation.

5. It is well settled that the respondents have no jurisdiction to file the final report for the offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act. For the said offence, the Court can take cognizance only on the complaint of the authorized officer.

6. As regards the offence under Section 3(1) of TNPPDL Act, 1992, it is the case of the prosecution that, by committing theft, the petitioner had caused damage or loss to the property to the tune of Rs.100/- or more. The Section 3(1) of the TNPPDL Act, reads as follows:-



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“3. Mischief causing damage to public property.— (1) Whoever commits mischief by doing any act in respect of any public property, other than public property of the nature referred to in sub-section (2), shall be punished with imprisonment for a term which may extend to five years and with fine.”

Section 2(2) of TNPPDL Act, states that mischief shall have the same meaning as in Section 425 of IPC. Section 425 of IPC is read as follows:

425. Mischief.—Whoever with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously, commits “mischief”.

7. Except for the vague allegation that the theft could have caused damage to the river bed, the respondents have not explained as to how it would fall within the meaning of mischief as defined under Section 425 IPC to attract the offence under Section 3(1) of TNPPDL Act. The respondents have not stated the value of the said seized. Further even after five years they had not collected any evidence so far to establish that it is river sand. Hence, this Court is of the view that Section 3 of the TNPPDL Act is not made out on the allegations.



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8. As regards the offence under Section 379 of IPC, admittedly, the respondents are still conducting the investigation. The offence is punishable with imprisonment for a term of three years. Therefore, the respondents ought to have filed the final report within a period of three years. The respondents have no justifiable reason for the delay in filing of the final report. This Court is of the view that no useful purpose would be served in allowing the respondents to continue the investigation as even if the respondents are allowed to file the final report, it would be barred by limitation. Hence, the impugned FIR is liable to be quashed and is accordingly quashed. Consequently, it is needless to say that the petitioners would be entitled to seek return of the vehicles seized from them, if they have not been confiscated already.

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

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

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- 2.The Village Administrative Officer,
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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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SUNDER MOHAN, J.

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