



*Crl.O.P.(MD)No.17790 of 2025*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.10.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD).No.17790 of 2025**

**and**

**Crl.M.P(MD)No.14603 of 2025**

Saravanan @ Saravanna

... Petitioner/Accused No.3

**Vs.**

1.The State of Tamil Nadu represented by,  
The Inspector of Police,  
Kallaperambur Police Station,  
Thanjavur District.  
(Crime No.260 of 2020).

... 1<sup>st</sup> Respondent/Complainant

2.Kazhaniyappan,  
The Inspector of Police,  
Kallaperambur Police Station,  
Thanjavur District.

... 2<sup>nd</sup> Respondent/Defacto Complainant

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to FIR in Crime No.260 of 2020 dated 24.05.2020 on the file of the Inspector of Police, Thiruvaiyaru Police Station, Thanjavur District and quash the same as against the petitioner.

For Petitioner : Mr.D.Rajaboopathy

For R-1 : Mr.K.Sanjai Gandhi  
Government Advocate (Crl. Side)



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## **ORDER**

WEB COPY This Criminal Original Petition is filed to quash the impugned FIR in Crime No.260 of 2020 on the file of the first respondent, which was registered for the offences under Section 379 of IPC read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

2. The allegation in the FIR is that the petitioner along with others were found transporting  $\frac{3}{4}$  units of river sand in 3 different bullock carts and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that though the FIR was registered in the year 2020, the first respondent has so far not conducted any investigation and has not filed the final report; that the first respondent has no jurisdiction to register a case for the offence under Section 21(1) of the Mines and Minerals (Development and Regulation) Act; that no Court can take cognizance of the said offence unless there is a complaint by the Authorized Officer; that the offence under Section 379 of IPC is punishable with three years imprisonment and the final report ought to have been filed within three years; and that the first respondent has no justifiable reason for the delay in conclusion of the investigation.



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4. The learned Government Advocate (Crl. Side), on instructions, would fairly submit that the first respondent has no justifiable reason for the delay in filing of the final report; and that the first respondent has no jurisdiction to register a case for the offence under Section 21(1) of the Mines and Minerals Act.

5. Since the first respondent has no jurisdiction to register a case for the offence under Section 21(1) of the Mines and Minerals Act and since the Court can take cognizance of the said offence only on the complaint of the Authorized Officer, the registration of FIR for the offence under Section 21(1) of the Mines and Minerals Act cannot be sustained.

6. The offence under Section 379 of IPC is punishable with three years imprisonment. As per Section 468(2) of Cr.P.C., the first respondent ought to have filed the final report within a period of three years. There is no justifiable reason, as fairly submitted by the learned Government Advocate, for the delay in filing of the final report and even if the final report is now allowed to be filed, the same would be barred by limitation. Hence, the impugned FIR in Crime No.260 of 2020 on the file of the first respondent is liable to be quashed and hence quashed. However, this order would not bar the authorities



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concerned to take appropriate action under Section 21(1) of the Mines and Minerals Act by following due process of law.

7. With the above observations, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

**22.10.2025**

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

To

- 1.The Inspector of Police,  
Kallaperambur Police Station,  
Thanjavur District.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SUNDER MOHAN, J.**

Lm

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**22.10.2025**