



Crl.O.P.(MD) No.17519 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL.O.P (MD) No.17519 of 2025

and

CRL.M.P (MD) Nos.14256 and 14258 of 2025

1. Venu

2. Reginold

3. Suresh

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Eraniel Police Station,
Kanyakumari District,
Crime No.305/2024.

2. Muthu Krishnan,
Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS praying to call for the records in connection with CC.No.590/2025 on the file of the Judicial Magistrate, Eraniel, Kanyakumari District and quash the



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same as against the petitioners.

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For Petitioner : Mr.R.Russel Raj,
For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The petitioners seeks to quash the impugned charge sheet in C.C.No. 590 of 2025, on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District which was filed for the offence under Section 379 of IPC.

2.The allegation in the final report is that the petitioners who are arrayed as A2 to A4 without valid permit had removed minerals from one Sree Bagavathi Blue metals which belongs to accused Nos.2 and 4 and the third accused was found transporting the said mineral in a JCB vehicle.

3.The learned Counsel for the petitioners would submit that the allegations even if accepted to be true, would not constitute the offence of



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theft. Even according to the prosecution the quarry belongs to the accused Nos.2 and 4 and that the allegations at best suggest that the petitioners had violated the conditions of permit. The learned Counsel also produced the copy of the certificate issued by the District Collector for transportation and storage of minerals to the third petitioner, who is the proprietor of M/s.Sree Bhagavathi Blue Metals and submitted that the impugned prosecution for theft is an abuse of process of law.

4.The learned Additional Public Prosecutor would submit that the petitioners have violated the conditions of permit and therefore, the impugned prosecution is not liable to be quashed; that the points raised by the petitioners cannot be adjudicated in this quash petition and that the value of the minerals seized from the petitioners is Rs.2,000/-.

5.Admittedly, the third petitioner has got certificate of registration for transportation and storage of minerals issued by the District Collector. The certificate is valid from 16.07.2022 to 15.07.2027. It is therefore not the case of the respondents that the minerals were taken from any public property or from any other third party. The allegations would not constitute



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the offence under Section 379 of IPC. The value of the mineral according to the respondents is Rs.2,000/-. If it is the case of the respondents that the conditions of the permit have been violated, it is open to them to prosecute the concerned person for such violations.

6. Therefore, this Court is of the view that the impugned prosecution for the offence under Section 379 of IPC cannot be sustained and the same is liable to be quashed.

7. Accordingly, the impugned charge sheet in C.C.No.590 of 2025, on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District, is hereby quashed. Thus, the criminal original petition is allowed. Consequently, the connected miscellaneous petitions are closed.

28.10.2025

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



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To

1. The Judicial Magistrate,
Eraniel, Kanyakumari District.

2. The State of Tamil Nadu,
Rep by the Inspector of Police,
Eraniel Police Station,
Kanyakumari District,
Crime No.305/2024.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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