



CRL OP(MD). No.17724 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 17/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD) No.17724 of 2025
and
CrI.M.P(MD) No.14508 of 2025

1. P.Jeyaprakash

2. M.Sathan

... Petitioners

Vs

1.The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
(Crime No.65/2018).

2.Rameshbabu
S/o.Viyasamoorthi
Village Administrative Officer,
Pidaricheri Group,
(I/C) Soodiyur Group,
Ramanathapuram.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the entire records pertaining to the proceedings in C.C.No. 83/2023 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District and quash the same as far as the petitioners are concerned.



CRL OP(MD), No.17724 of 2025

For Petitioners : Mr.R.L.Dhilipan Pandian,
Advocate.

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

ORDER

The petitioner seeks to quash the impugned final report in C.C.No. 83 of 2023 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District filed for the offence under Sections 379 of IPC and Section 3(1) of TNPPDL Act.

2.The allegation against the petitioners is that they had induced the other accused to commit the theft of river sand using bikes and thus, committed the aforesaid offences.

3.The learned counsel for the petitioners would submit that an FIR was registered based on the complaint given by the second respondent herein stating that on receiving information, the Village Administrative Officer along with police went to the Vaigai riverbed near Sathar Udaiyar Ayyanar Temple and found one Arun illegally removing the river sand and then handing it over to the first petitioner at his residence;



CRL OP(MD). No.17724 of 2025

that on the same day, a few other accused were apprehended and they also revealed that they were taking river sand in bikes and handing it over to the petitioner; that in the final report totally eight witnesses have been cited; that the LW1 is the Village Administrative Officer, LW2 is the Village Assistant, LW3 and LW4 are formal witnesses, LW5 and LW6 are observation and seizure mahazar witnesses, L.W7 is the Sup Inspector of police and L.W8 is the Inspector of Police respectively and that therefore no independent witnesses were examined by the investigating officer.

4.The learned counsel for the petitioner would further submit that the only evidence available against the petitioner is the confession of the co-accused said to have been recorded in the presence of the police officer; that though the Village Administrative Officer would state that the river sand was found in the house of the first petitioner, there is no seizure from the first petitioner's house. Therefore, the impugned prosecution as against the petitioners could not be maintainable.



CRL OP(MD). No.17724 of 2025

5.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that though there are no independent witnesses, the evidence of Village Administrative Officer and Village Assistant cannot be treated with suspicion; that LW1, the Village Administrative Officer and LW2, the Village Assistant both stated that the sand was found in the house of the first petitioner and the second petitioner was standing nearby; that merely because no river sand was seized from the house of the first petitioner, the impugned final report cannot be quashed and that points raised by the petitioners only can be adjudicated in a trial and sought for dismissal of the quash petition.

6.As stated earlier, it is the case of the prosecution that the Village Administrative Officer, Village Assistant and police officers went to the scene of occurrence and found certain accused attempting to remove sand from the riverbed. It is the further case of the prosecution that some of the accused had confessed that they were employed by the first petitioner to remove the sand and take it to his house and that on their confessions, respondent police found the sand in the house of the first petitioner.



CRL OP(MD). No.17724 of 2025

7.To a specific query to the learned Additional Public Prosecutor as to whether the sand was seized from the first petitioner's house, the learned Additional Public Prosecutor would submit that no sand was seized from the first petitioner's house. It is not known as to why the respondent police chose not to seize the sand, which was allegedly found in the house of the first petitioner.

8.In the absence of any seizure, the evidence of Village Administrative Officer and the Village Assistant that they found river sand in the residence of the first petitioner would be of no avail to establish that the river sand said to have been stolen by the other accused was found in the house of the petitioner. The only other material evidence is the confession of co-accused said to have been given to the Village Administrative Officer in the presence of the police officer. However, the said evidence is of no value and the prosecution against the petitioner cannot be sustained on the basis of such a confession of the co-accused. Therefore, this Court is of the view that the chances of conviction on the basis of such evidence against the petitioners would be bleak and therefore, no useful purpose would be served in keeping the



CRL OP(MD). No.17724 of 2025

impugned prosecution pending as against the petitioners. Accordingly, the impugned final report in C.C.No. 83/2023 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram, is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

17.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
cp

To

1. The Judicial Magistrate, Paramakudi, Ramanathapuram.
2. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL OP(MD), No.17724 of 2025

SUNDER MOHAN,J

CP

ORDER
IN
CRL OP(MD) No.17724 of 2025

Date : 17/10/2025