



Crl.O.P.(MD) No.18066 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.18066 of 2025

and

Crl.MP(MD).No.14815 of 2025

Rabin

... Petitioner / Accused No.1

Vs.

1.State Rep. Through
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.127 of 2021)

... 1st Respondent / Complainant

2.Mr.Appar,
Working as Sub-Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.127 of 2021, dated 26.02.2021 on the file of the 1st respondent Police and to quash the same as illegal.

For Petitioner : Mr.M.Prabu

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)



Crl.O.P.(MD) No.18066 of 2025

ORDER

WEB COPY This petition has been filed to quash the impugned FIR in Crime No.127 of 2021, dated 26.02.2021 on the file of the 1st respondent Police, registered for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2. The allegation in the impugned FIR is that the petitioner was found transporting $\frac{1}{4}$ unit of river sand illegally and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner has no bad antecedents; that the FIR is pending investigation from the year 2021; that the respondents have no jurisdiction to register the FIR for the offence under Section 21(1) of Minerals (Development and Regulation) Act; that the Court can take cognizance for the said offence, only on the complaint of the authorized officer; that the offence under Section 379 of IPC is punishable with three years imprisonment; that the final report ought to have been filed within three years from the date of registration of the FIR; that hence, no useful purpose would be served in keeping the FIR pending investigation and sought for quashing of the said FIR.



Crl.O.P.(MD) No.18066 of 2025

4. The learned Government Advocate (Crl.Side) would fairly submit that the investigation is still pending; that no final report has been filed so far; and that the liberty may be given to the respondents to file a private complaint under the Minerals (Development and Regulation) Act.

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

6.As regards the offence under Section 379 of IPC, the maximum sentence provided for the said offence is three years imprisonment. As per Section 468(2)(b) of Cr.P.C., the respondents ought to have filed the final report within a period of three years from the date of commission of the offence.

7. Admittedly, the respondents have not filed the final report so far and they have no justifiable reason for the delay in filing of the final report. The allegations do not disclose the commission of any other offence. The petitioner has no bad antecedents. Therefore, this Court is of the view that even if the final report is now allowed to be filed, it would be barred by limitation. No



Crl.O.P.(MD) No.18066 of 2025

useful purpose would be served in keeping the FIR pending investigation.

Hence, this Court is inclined to quash the impugned FIR.

8. This Criminal Original Petition is therefore, allowed. Consequently, connected Miscellaneous Petition is closed.

23.10.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

Indu/ars

To

1.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

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

4/5



WEB COPY



Crl.O.P.(MD) No.18066 of 2025

SUNDER MOHAN, J.

Indu/ars

Crl.O.P(MD).No.18066 of 2025

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