



CRL OP(MD). No.18419 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 03/11/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.18419 of 2025
and Crl.M.P(MD)No.15167 of 2025

Iruthayaraj

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
Crime No.36 of 2019.

2. Thiruvankadam,
Sub Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.

... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the entire relevant records connected to the FIR in Crime No.36 of 2019 on the file of first respondent police station and quash the same as illegal as against the petitioner is concerned.

For Petitioner : Mr.R.Karunanidhi,
Advocate.

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER



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The petitioner seeks to quash the impugned FIR in Crime No.36 of 2019 on the file of first respondent police, which was registered for the offence under Section 379 IPC and Section 21(1) of the Mines and Metals (Development Regulation) Act 1957.

2.The gist of the allegation is that the petitioner along with several others was attempting to transport sand illegally in three tipper lorries; that when they were intercepted by the respondent police, they fled from the scene and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the alleged occurrence took place on 30.04.2019; that no sand was recovered; that the investigation has not been completed so far and that even if the respondent police are now allowed to file final report, it would be barred by limitation, as the maximum sentence for the offence under Section 379 of the IPC is three years, imprisonment.

4.The learned Additional Public Prosecutor appearing for the



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respondent police fairly submits that the final report has not been filed; that the respondent police have no justifiable reason for the delay and that the petitioner has no previous antecedents.

5.It is well settled that the respondent police have no jurisdiction to file the final report for the offence under Section 21(1) of the Mines and Metals (Development Regulation) Act. As regards the offence under Section 379 IPC, it is seen that the alleged occurrence took place on 30.04.2019 and the respondent police ought to have filed the final report within a period of three years, as the maximum sentence that can be imposed for the offence under Section 379 IPC is three years imprisonment. The learned Additional Public Prosecutor fairly submitted that the respondent police have no justifiable reason for the delay in filing of the final report. Hence, even if the respondent police are now allowed to file the final report, it would be barred by limitation and no useful purpose would be served by keeping the impugned FIR pending investigation and the same is liable to be quashed.

6.Accordingly, the impugned FIR in Crime No.36 of 2019, on the file of the first respondent police, is quashed and the Criminal Original



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Petition stands allowed. Consequently, connected miscellaneous petition is closed.

03.11.2025

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

To

1.The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.

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



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SUNDER MOHAN,J

CP/ars

ORDER
IN
CRL OP(MD) No.18419 of 2025

Date : 03/11/2025