



CRL OP(MD). No.20195 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/11/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20195 of 2025
and
CrI.M.P(MD) No.17054 of 2025

P.Jeyaprakash

... Petitioner

Vs

1.State of Tamilnadu,
Rep by Inspector of Police,
Parthibanoor Police Station,
(In Crime No. 225/2017).

2.Raja

... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the entire records pertaining to the FIR in Crime No. 225 of 2017 on the file of the 1st respondent and quash the same as far as the petitioners are concerned.

For Petitioner : Mr.R.L.Dhilipan Pandian
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. 225 of 2017 on the file of the first respondent, which was registered for the offences under Sections 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 [in short, '*the MMDR Act*'].

2.The gist of allegations is that certain persons were found illegally excavating sand from the riverbed; that the driver of the lorry, which was used for transporting the sand, confessed that the petitioner had instigated them to commit the aforesaid offence.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that the respondent police has filed the final report under Section 193 of BNS before the Sub Divisional Magistrate/Revenue Divisional Officer, Paramakudi, for the alleged offence under Section 21(4) of the MMDR Act.

4.The learned counsel for the petitioner filed a copy of the final report stating that the respondent had requested the Revenue Divisional



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Officer to take action under Rule 36(u) of the Mines and Mineral Rules, 1959. He further submitted that there is no such Rule and there is no Rule 36(u) in any of the other Rules and that the impugned prosecution is nothing but an abuse of process of law.

5. Heard the learned Additional Public Prosecutor, who was unable to justify the action of the respondent police.

6. The alleged occurrence took place in the year 2017. The only material available against the petitioner is the confession of the driver. Be that as it may, strangely, the respondent police have now stated that they have filed the final report before the Sub Divisional Magistrate/Revenue Divisional Officer, Paramakudi. This Court is unable to comprehend as to what is the procedure followed by the respondent police. The respondent police are not clear as to what kind of report has to be filed and before which authority. The Rule under which they requested the RDO to take action is also not clear. It is needless to say that the Court can take cognizance of the offence under Section 21(4) of the MMDR Act, only on the report of the Authorised Officer under



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Section 22 of the MMDR Act and the respondent police would have no jurisdiction to file the final report. Hence, the impugned FIR and the alleged final report purported to be filed under Section 193 of BNS before the Sub Divisional Magistrate/Revenue Divisional Officer, Paramakudi are liable to be quashed.

7.In the light of the above, the impugned FIR in Crime No.225 of 2017 on the file of the first respondent and the consequential, final report are quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

24.11.2025

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



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TO

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- 1.The Sub Divisional Magistrate/Revenue Divisional Officer,
Paramakudi.
- 2.The Inspector of Police,
Parthibanoor Police Station,
Paramakudi Taluk,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP /ars

ORDER
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