



Crl.O.P.(MD)No.19237 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19237 of 2025

and

Crl.MP.(MD).No.16067 of 2025

Saravanan

... Petitioner/Accused No.1

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.391/2020)

... 1st Respondent/Complainant

2.Ananthi,
Sub Inspector of Police,
Vangal Police Station,
Karur District.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in pursuant to the impugned FIR in Crime No.391 of 2020, dated 16.08.2020 on the file of the 1st respondent police and quash the same as far as the petitioners concerned.

For Petitioner : Mr.S.Gokulraj

For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition is filed to quash the impugned FIR in Crime No.391 of 2020 on the file of the first respondent, which was registered for the offences under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2. The allegation in the FIR is that the petitioner along with others were found transporting 1¾ units of river sand in 7 different bullock carts and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that there are no previous cases registered against the petitioner; that though the FIR was registered in the year 2020, the first respondent has so far not conducted any investigation and has not filed the final report; that the first respondent has no jurisdiction to register a case for the offence under Section 21(1) of the Mines and Minerals (Development and Regulation) Act (hereinafter referred to as 'MMDR Act'); that no Court can take cognizance of the said offence unless there is a complaint by the Authorized Officer; that the offence under Section 379 of IPC is punishable with three years imprisonment and the final report



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ought to have been filed within three years; and that the first respondent has no justifiable reason for the delay in conclusion of the investigation.

4. The learned Government Advocate (Crl. Side), on instructions, would fairly submit that the first respondent has no justifiable reason for the delay in filing of the final report; and that the first respondent has no jurisdiction to file a final report for the offence under Section 21(1) of MMDR Act.

5. The first respondent has no jurisdiction to file a final report for the offence under Section 21(1) of MMDR Act and the Court can take cognizance of the said offence only on the complaint of the Authorized Officer.

6. The offence under Section 379 of IPC is punishable with three years imprisonment. As per Section 468(2)(b) of Cr.P.C., the first respondent ought to have filed the final report within a period of three years. There is no justifiable reason, as fairly submitted by the learned Government Advocate, for the delay in filing of the final report and even if the final report is now allowed to be filed, the same would be barred by limitation. Hence, the impugned FIR is liable to be quashed as against the petitioner. Accordingly, the impugned FIR in Crime No.391 of 2020 on the file of the first respondent is quashed. However,



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this order would not bar the authorities concerned to file a complaint under

Section 22 of the MMDR Act if any offence under the said Act is made out.

7. With the above observations, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

03.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Inspector of Police,
Vangal Police Station,
Karur District.
- 2.The Sub Inspector of Police,
Vangal Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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