



Crl.O.P.(MD)No.19298 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19298 of 2025

and

CRL.MP(MD). Nos.16143 and 16144 of 2025

Iyadurai

... Petitioner / Accused No.2

-Vs-

1.State of Tamilnadu,

Represented by the Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
In Crime No.126 of 2025.

...1st Respondent/Complainant

2.Ravichandran,

Special Sub-Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.

... 2nd Respondent/ Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., call for the records pertaining to the charge sheet in C.C.No.686 of 2025 on the file of the learned Judicial Magistrate No.1, Nagercoil, in connection with Crime No. 126 of 2025, dated 09.04.2025 on the file of the first respondentPolice and quash the same.



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For Petitioner :Mr.K.Suyambulingabharathi

For R1 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This petition has been filed to quash the charge sheet in C.C.No.686 of 2025 on the file of the learned Judicial Magistrate No.1, Nagercoil, filed for the offences punishable under Section 303(2) of BNS, 2023.

2. The gist of the allegation in the impugned final report is that the petitioner is the owner of the land; that it was found that the gravel sand worth about Rs.6,000/- was transported in a vehicle bearing registration No.TN 74 AE 0268 from the said land at Kovilpuram to another land belonging to him nearby.

3. The learned counsel for the petitioner would submit that admittedly, the petitioner had removed the gravel sand from his agricultural land for the purpose of agricultural activities in another nearby land belonging to him; that the respondents have not stated that the petitioner had removed gravel sand beyond the permitted limit and therefore, it cannot be treated as prohibited mining activity; that in any case, there is no theft of gravel sand as the land belongs to the petitioner; and that there are no previous cases against him.



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4. The learned Additional Public Prosecutor would submit that the petitioner had transported gravel sand worth about Rs.6,000/- in the vehicle bearing registration No.TN 74 AE 0268; that the petitioner ought to have obtained permission for extraction of earth; and that in absence of any permission, the impugned prosecution is liable to be sustained.

5. It is not the case of the respondents that the petitioner had removed the sand for commercial purposes. Their case is that the petitioner removed the sand to transport it to another agricultural land belonging to him. It is also not the case of the respondents that the removal of earth exceeded 1½ metres, and the value of the sand is only Rs. 6,000/-. Therefore, even assuming that the petitioner is guilty of any violation, this Court is of the view that the harm caused by the petitioner is slight and therefore, he would be entitled to the benefit of Section 95 of the IPC.

6. In view of the above observations, this Court is inclined to quash the impugned final report in C.C.No.686 of 2025 on the file of the learned Judicial Magistrate No.1, Nagercoil. Hence, this Criminal Original Petition is allowed.



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Consequently, the connected Miscellaneous Petitions are closed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

Indu/ars

To

- 1.The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu/ars

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