



Crl.O.P.(MD)No.20235 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.20235 of 2025

and

Crl.MP(MD).No.17131 of 2025

Esakkiappan

... Petitioner/Accused No. 2

- Vs. -

1.The State of Tamil Nadu rep. by,
The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.
Crime No.13 of 2023

... 1st Respondent/Complainant

2.Sugatha Rahima.
Assistant Geologist,
Assistant Director Office,
Geography and Mining,
Thoothukudi District

.... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the impugned FIR in Crime No.13 of 2023 on the file of 1st respondent dated 21.02.2023 and quash the same as illegal.

For Petitioner : Mr.K.Prabhu

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed to quash the impugned FIR in Crime No.13 of 2023 on the file of the first respondent, which was registered for the offences under Section 379 of IPC, Section 21(4) and 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as 'MMDR Act').

2. The gist of the allegations in the FIR is that the petitioner along with other accused had committed theft of sand to the value of Rs.43,90,750/-; and that they had transported six units of gravel sand worth Rs.3474/-.

3. The learned counsel for the petitioner would submit that the impugned FIR is liable to be quashed as the first respondent cannot register an FIR for the offences under Section 21(4) and (5) of the MMDR Act since they have no jurisdiction to file a final report for the said offences.

4. The learned Additional Public Prosecutor, on instructions, would submit that the first respondent has almost completed the investigation and would file a final report within a period of four weeks.



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5. At this stage, the learned counsel for the petitioner seeks permission to withdraw this petition with liberty to challenge the final report and he has also made an endorsement to that effect.

6. Recording the same, this Criminal Original Petition is dismissed as withdrawn. It is needless to say that the final report cannot be filed by the first respondent for the offences under Section 21(4) and (5) of the MMDR Act. If the first respondent files the final report for the other offences, it is open to the petitioner to challenge the same in the manner known to law, if he is aggrieved. Consequently, connected miscellaneous petition is closed.

17.11.2025

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



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To

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



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SUNDER MOHAN, J.

Lm

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