



Crl.O.P.(MD)No.19725of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19725 of 2025

and

CRL.MP(MD). Nos.16543 and 16544 of 2025

Karupasammy

... Petitioner / Accused 1

-Vs-

1.State of Tamilnadu Rep by
The Inspector of Police,
Manoor Police Station,
Tirunelveli District.
Crime No.266/2025.

2.Manthira Moorthi,
Special Sub Inspector of Police,
Manoor Police Station,
Tirunelveli District.

... Respondents / Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., To call for the entire records pertaining to the case PRC No.416 of 2025 on the file of the Judicial Magistrate V, Tirunelveli and quash the same as against the petitioner.

For Petitioner : A.Velmurugan
Advocate

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



Crl.O.P.(MD)No.19725of 2025

ORDER

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2. The allegation in the impugned final report is that the petitioner along with others were found transporting three units of gravel sand in the tipper lorry bearing registration No.TN 72 AK 8417, without proper permit and thus, committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner had a valid permit; that the allegation, at best, discloses that the conditions of the permit was violated; that the respondents have no jurisdiction to file the final report for the offence under Section 21(4) of Mines and Minerals (Development and Regulations) Act; that the violations of permit would not constitute the offence under Section 303(2) of BNS; that the proceedings against the accused 2 and 3 were quashed by this Court in Crl.O.P(MD) No.18153 of 2025, vide order dated 27.10.2025 and that the impugned



Crl.O.P.(MD)No.19725of 2025

prosecution may be quashed.

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4. The learned Additional Public Prosecutor would submit that though the petitioner has a valid permit, the petitioner was permitted to quarry the sand only between 9.30 AM to 1.30 PM; that since they had carried the sand beyond the permitted hours, the offences alleged are made out; and that in any case, the points raised by the petitioner cannot be adjudicated in the quash petition.

5. In response to the learned Additional Public Prosecutor, the learned counsel for the petitioner would submit that the seizure was made at 12.56 PM only and the FIR was not made subsequently.

6. The question, as to when the seizure was made, cannot be adjudicated in this quash petition and therefore, this Court would not go into that question. However, it has to be seen whether on the admitted facts, the offences are made out. The respondents have no jurisdiction to file a final report for the offence under Section 21(4) of Mines and Minerals (Development and Regulations) Act and the Court can take cognizance only on the complaint of the authorized officer.



Crl.O.P.(MD)No.19725of 2025

7. As regards the offence under Section 303(2) of BNS, it is seen that the petitioner has a valid permit. The allegation is that they have violated the conditions of permit. This Court is the view that the respondents can only prosecute the petitioner for violation of the permit and cannot prosecute them for the offence of theft. Be that as it may, the respondents have not mentioned in the FIR as well as in the impugned final report, the value of three units of gravel sand said to have been transported by the petitioner. If the value of the property is less than Rs.5,000/-, as per BNSS, the offence under section 303(2) of BNS is non cognizable. Hence, it is mandatory for the respondents to mention the value of the property in the absence of which, the respondents would have no jurisdiction to investigate the offence under section 303(2) of BNS. Hence, for all the reasons, the impugned prosecution in P.R.C.No.416 of 2025 on the file of the Judicial Magistrate V, Tirunelveli, is liable to be quashed and is accordingly quashed with liberty to the respondents to prosecute the petitioner, if there is a violation of permit.

8. With the above observations and liberty, this Criminal Original



Crl.O.P.(MD)No.19725of 2025

Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

11.11.2025

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

Indu

To

- 1.The Inspector of Police,
Manur Police Station,
Tirunelveli District.
- 2.The Special Sub Inspector of Police,
Manoor Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.19725of 2025

SUNDER MOHAN, J.

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Crl.O.P(MD).No.19725 of 2025

11.11.2025