



CRL OP(MD). No.19854 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17/11/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.19854 of 2025
and
CrI.M.P(MD) No.16691 of 2025

1. Raja

2. Elayarasan

... Petitioners

Vs

1.The State of Tamilnadu,
Rep by the Inspector of Police,,
Thiruvidaimarudhur Police Station,
Thanjavur.
Crime No.507 of 2025.

2.The Village Administrative Officer,
62, Mahathanapuram Village,
Thirubhuvanam,
Thanjavur.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS,
to call for the records and quash the case in Crime No.507 of 2025
pending on the file of the first respondent police by allowing this
Criminal Original Petition.

For Petitioners : Mr.P.Samuel Gunasingh



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For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

The petitioners seek to quash impugned FIR in Crime No.507 of 2025 on the file of the first respondent, which was registered for the offences under Sections 303(2) of BNS and Section 21(1) of Mines and Minerals (Development and Regulation) Act.

2.The gist of the allegation is that the petitioners had removed the sand from their premises in violation of the licence condition and had stored 3 units of sand, which was taken through two JCB machines and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the petitioner had licence to remove the sand from a village called Ullur and transport it to two villages, namely, Malayappanur and Ammasathiram; that the impugned FIR is liable to be quashed, since the value of the sand has not been mentioned; that the offence would be non-cognizable, if the



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value is less than Rs.5,000/- and that the registration of the offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act, cannot be sustained, as no final report can be filed for the said offence.

4.The learned Additional Public Prosecutor appearing for the respondent police, per contra, would submit that the question as to whether the petitioner had a valid license or not cannot be adjudicated in a quash petition, especially since the place from which the sand was removed does not fall within the license granted on 09.11.2023; that the license also expired within six months from the date of issuance of the license and the subsequent extension also had expired, and that therefore, the question as to whether the petitioner had committed the offence of theft cannot be adjudicated in this quash petition and sought for dismissal of the petition.

5.This Court has held in several cases that an FIR cannot be registered for the offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act, as the Court can take cognizance of the said offence only on the complaint of the authorized officer. If the



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respondents have no jurisdiction to file the final report, it follows that they also have no jurisdiction to register an FIR for the said offence. The other offence registered pertains to Section 303(2) of BNS. However, the respondents have not stated the value of the sand said to have been stored in the premises, though they claim that three units were stored. Under the schedule to the BNSS, if the value of the property is less than Rs.5,000/-, the offence under Section 303(2) is non-cognizable. Therefore, this Court had held earlier that if the FIR does not contain the value of the stolen property, it cannot be sustained, as the respondents only have jurisdiction to investigate without permission of the learned Magistrate, if the value of the property is more than Rs.5,000.

6.Be that as it may, it is seen that though the license had expired, the petitioner had obtained license earlier and the question of whether the petitioner had violated the conditions of the licence can always be the subject matter of a complaint by the authorized officer. Therefore, leaving it open to the authorized officer to initiate proceedings against the petitioner, if there has been a violation of the license conditions, this Court is inclined to quash the impugned FIR.



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7. Accordingly, the impugned FIR in Crime No.507 of 2025 on the file of the first respondent police is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

17.11.2025

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

1. The Inspector of Police,,
Thiruvidaimarudhur Police Station,
Thanjavur.
Crime No.507 of 2025.

2. The Village Administrative Officer,
62, Mahathanapuram Village,
Thirubhuvanam,
Thanjavur.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SUNDER MOHAN,J

CP

ORDER
IN
CRL OP(MD) No.19854 of 2025

Date : 17/11/2025