



CRL OP(MD). No.21059 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25.11.2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.21059 of 2025

and

CrI.M.P.(MD)Nos.17979 & 17982 of 2025

1. Ramu,
2. Subburam,

... Petitioners

Vs.

1. State of Tamilnadu Rep by
Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
(Crime No.270/2021).

2. The Assistant Geographer,,
Geography and Mines,
District Collector Office Campus,
Thoothukudi District

... Respondents

PRAYER :-This Petition is filed under section 528 BNSS, to call for the records in C.C. No. 242 of 2023 on the file of the Judicial Magistrate No. II, Kovilpatti, Thoothukudi District and quash the Charge Sheet as against the petitioners herein.

For Petitioners : Mr.C.Suresh Kannan,

For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor for R1



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ORDER

The petitioners seek to quash the impugned final report filed for the offences under Section 379 I.P.C r/w. Section 21(1) of MMDR Act.

2. The gist of the allegation in the impugned final report is that the petitioners, who are the owner and driver of a tipper lorry, had transported 3 units of M-Sand, which were taken from the quarry run by the 3rd accused in the name of Gomathi Blue Metals worth about Rs.8,844/- without valid transport permit and thus committed the aforesaid offence.

3. The learned counsel for the petitioners would submit that even if the allegations that the petitioners had transported the M-Sand without a valid transport permit is accepted as true, the offence under Section 379 of the IPC would not be made out, as admittedly the person, who owns the quarry, has also been made an accused and in order to constitute the offence under Section 379 of the IPC, the petitioners must have removed the M-Sand from another person's possession, without that person's consent. The learned counsel would further submit that the respondents



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would have no jurisdiction to file a final report under Section 21(1) of MMDR Act.

4. Heard the learned Additional Public Prosecutor, who would fairly submit that the M-Sand was removed from the possession of the 3rd accused who runs a quarry and the allegation against the petitioners is that they had transported three units of M-sand without valid transport permit.

5. Admittedly, the petitioners had transported M-Sand which were removed from the quarry belonging to the 3rd accused. It is not the case of the prosecution that the 3rd accused had not given any consent for the removal of the M-Sand as the 3rd accused is also implicated in this final report.

6. This Court in ***Crl.OP.(MD). No.19885 of 2025 dated 25.11.2025 [Devananth v. State]***, had held that unless it is shown that the minerals is removed from the possession of another person's land without his consent, the offence under Section 379 of the IPC would not be made



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out. Hence, the allegations even if accepted to be true would not constitute an offence under Section 379 of the IPC.

7. As against the offence under Section 21(1) of MMDR Act, it is well settled that the respondents would have no jurisdiction to file a final report and it is for the authorised officer to file a complaint before the Court concerned. Hence, the impugned final report is quashed with liberty to the respondents or any other authority to take appropriate action and file a complaint under Section 22 of the MMDR Act, if there is any violation.

8. With the above observations, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

25.11.2025

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

1. The Judicial Magistrate No. II,
Kovilpatti,
Thoothukudi District.
2. The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
3. The Assistant Geographer,,
Geography and Mines,
District Collector Office Campus,
Thoothukudi District..
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

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