



CRL OP(MD). No.20371 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 18/11/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20371 of 2025
and
CrI.M.P(MD) No.17234 of 2025

P.Muthukrishnan

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Moondradaippu Police Station,
Tirunelveli.
(Crime No.232/25).

2. Muruges,
Sub Inspector of Police,
Moondradaippu Police Station,
Tirunelveli.

... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records relating to the C.C.No.813 of 2025 on the file of Judicial Magistrate Court, Nanguneri and quash the same.

For Petitioner : Mr.K. Abiya,
Advocate

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

ORDER



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The petitioner seeks to quash the impugned final report in C.C.No. 813 of 2025 on the file of Judicial Magistrate, Nanguneri, which was filed for the offences under Section 303(2) of BNS (corresponding to Section 379 of IPC).

2.The allegation in the final report is that ten days prior to 23.05.2025, the petitioner had requested an unknown accused to supply two units of “saral mann” (gravel sand) and that thereafter, the said unknown accused had stored the said sand near the land of the petitioner and thus committed the aforesaid offence.

3.The learned counsel for the petitioner would submit that the impugned prosecution is misconceived; that the petitioner admittedly is not the person, who had transported the sand; that there is no evidence to suggest that the petitioner had knowingly purchased the stolen sand from the other accused; that the respondents have not conducted any investigation to ascertain as to who actually committed the theft and that therefore, the impugned prosecution is liable to be quashed.

4.The learned Additional Public Prosecutor appearing for the



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respondent police, per contra, would fairly submit that the accused who is said to have stolen the sand has not been traced and that the prosecution is only based on the statement made by the petitioner, who stated that he had only purchased the sand from an unknown person.

5.The prosecution had cited five witnesses. L.W1 and L.W2 are seizure witnesses and L.W.3 and L.W4 are observation witnesses and L.W5 is the Investigating Officer. However, the investigating officer has not been able to apprehend the person, who is said to have stolen the sand and ascertain from where the theft occurred. There is no evidence to suggest that the petitioner was aware that the sand which was kept in his land was stolen. That apart, the value of the sand is also not mentioned. As per the schedule to the BNSS, the offence under Section 303(2) of BNS is non-cognizable, if the value is less than Rs.5,000/-. Therefore, the respondent would have no jurisdiction to register an FIR and proceed with the investigation if the value is less than Rs.5,000/-.

6.For all these reasons, the impugned final report is an abuse of process of law and is therefore liable to be quashed. Accordingly, this



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Criminal Original Petition is allowed and the impugned final report in C.C.No.813 of 2025, on the file of learned Judicial Magistrate, Nanguneri, is quashed. Consequently, connected miscellaneous petition is closed.

18.11.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
cp/ars

TO

- 1.The Judicial Magistrate,
Nanguneri.
- 2.The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP/ars

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