



Crl.O.P.(MD)No.20567 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.20567 of 2025
and Crl.M.P(MD) Nos.17455 and 17456 of 2025

Jeyadhas @ Dhas

... Petitioner/3rd Accused

Vs.

1.State of Tamilnadu,
Rep by Inspector of Police,
Kotticode Police Station, Kanyakumari District,
Crime No.20 of 2025.

2.Wilson,
Special Sub-Inspector of Police 853,
Kotticode Police Station, Kanyakumari District.

...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call the records in connection with C.C.No.505 of 2025 on the file of the Judicial Magistrate, No.1, Padmanabhapuram, Kanyakumari District and quash the same as the against the petitioner.

For Petitioner : Mr.R.Russel Raj
For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the final report in
C.C.No.505 of 2025 on the file of the Judicial Magistrate, No.1,



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Padmanabhapuram, Kanyakumari District, filed for the offences punishable under Section 303(2) of BNS, 2023.

2. The gist of the allegation in the impugned final report is that the first accused had transported rough stones through a tipper lorry bearing registration No.TN 22 BZ 1077 without a valid transport permit; and that the rough stones was taken from the quarry belonging to the petitioner's wife and thus, committed the aforesaid offence.

3. The learned counsel for the petitioner would submit that admittedly the rough stones were removed from the quarry of the petitioner's wife; that hence, the petitioner cannot be prosecuted for theft of rough stones, which was in his possession.

4. The learned Additional Public Prosecutor confirms the fact that the petitioner's wife was running a quarry in the name of Sathiya Kamala Blue Metal; that the rough stones were removed from the quarry site; and that the accused persons had transported the sand without a valid permit.



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5. This Court in Crl.O.P(MD) No.21141 of 2025, vide order dated 24.11.2025 has held that unless the sand is removed from the possession of a third person or from the possession of the state, the offence under Section 303(2) of BNS would not be made out.

6. In this case, admittedly, the sand was removed from the quarry of the petitioner's wife. The offence of theft hence would not be made out. The respondents have also filed a private complaint for the offence under Section 21 of the Mines and Minerals (Development and Regulation) Act.

7. Hence, this Court is inclined to quash the impugned final report in C.C.No.505 of 2025 on the file of the Judicial Magistrate, No.1, Padmanabhapuram, Kanyakumari District. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

25.11.2025

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

Indu/ars



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To

1. The Inspector of Police,
Kotticode Police Station,
Kanyakumari District,
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu/ars

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