



Crl.O.P.(MD)No.20540 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.20540 of 2025

and

Crl.M.P(MD) Nos.17436 and 17440 of 2025

Ajikumar

... Petitioner/1st Accused

Vs.

1.State of Tamilnadu

Represented by the Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
Crime No.100/2019.

2.John Christhu Raj,

Sub-Inspector of Police 462,
Kotticode Police Station,
Kanyakumari District.

...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in connection with C.C.No.101 of 2024 on the file of the Judicial Magistrate, No.1, Padmanabhapuram, Kanyakumari District and quash the same as against the petitioner.

For Petitioner : Mr.R.Russel Raj

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



Crl.O.P.(MD)No.20540 of 2025

ORDER

WEB COPY This Criminal Original Petition has been filed to quash the final report in C.C.No.101 of 2024 on the file of the Judicial Magistrate, No.1, Padmanabhapuram, Kanyakumari District, filed for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2. The gist of the allegation in the impugned final report is that the petitioner along with another had transported one unit of M-sand through TATA 709 vehicle bearing registration No.TN 75 AK 5205 without a valid transport permit; and that the M-sand was taken from the quarry belonging to the petitioner herein and thus, committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that admittedly the M-sand was removed from the petitioner's quarry; that hence, the petitioner cannot be prosecuted for theft of M-sand, which was in his possession; that the respondents would have no jurisdiction to file the final report for the offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and prayed for quashing the final report.



Crl.O.P.(MD)No.20540 of 2025

4. The learned Additional Public Prosecutor confirms the fact that the petitioner is running a quarry in the name of SA Blue Metals; that the sand was removed from the quarry site; and that the accused persons had transported the sand without a valid permit.

5. The respondents have no jurisdiction to file a final report for the offence under Section 21(1) of the MMDR Act, as under Section 22 of the MMDR Act, no Court can take cognizance of the said offence except on a complaint of an Authorised Officer. Therefore, the final report filed for the offence under Section 21(1) of MMDR Act is misconceived.

6. As regards the offence under Section 379 of IPC, this Court in Crl.O.P(MD) No.21141 of 2025, vide order dated 24.11.2025 has held that unless the minerals are removed from the possession of a third person or from the possession of the state, the offence under Section 379 of IPC would not be made out for mere violation of the conditions of the transport permit. In this case, admittedly, the sand was removed from the petitioner's quarry and hence, the offence under Section 379 of IPC would not be made out.



Crl.O.P.(MD)No.20540 of 2025

7. If the first respondent is of the view that the conditions of the transport permit have been violated or the mineral was transported without a valid transport permit, it is open to them to take steps for filing of a complaint under Section 22 of the MMDR Act.

8. Hence, this Court is inclined to quash the impugned final report in C.C.No.101 of 2024 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

To

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



WEB COPY



Crl.O.P.(MD)No.20540 of 2025

SUNDER MOHAN, J.

Indu/ars

Crl.O.P(MD).No.20540 of 2025

25.11.2025