



CrI.O.P.(MD)No.20776 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.(MD).No.20776 of 2025

and

CrI.M.P(MD) Nos.17684 and 17685 of 2025

1.G.S.Ganesan

2.Elangovan

... Petitioners/Accused 1 and 2

Vs.

State of Tamilnadu,
Represented by the Inspector of Police,
Pudur Police Station,
Pudur, Thoothukudi District.
(Crime No.53/2021).

...Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the Impugned Charge Sheet in C.C.No.468 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Vilathikulam, Thoothukudi District and to quash the same as against the petitioners.

For Petitioner : Mr.N.Vignesh

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



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ORDER

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This Criminal Original Petition has been filed to quash the final report in C.C.No.468 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Vilathikulam, Thoothukudi District, filed for the offences punishable under Section 379 of IPC.

2. The gist of the allegation in the impugned final report is that on 08.03.2021, the petitioners were found transporting M-sand worth about Rs.7959/- without a valid transit permit and thus committed the aforesaid offence.

3. The learned counsel for the petitioners would submit that the petitioners had a valid bill for purchase of M-Sand from EL-Shaddai Blue Metals; that even assuming that the petitioners did not possess a transport permit, it would only amount to a violation of the Mines and Minerals (Development and Regulation) Act [in short 'the MMDR Act'], for which, only an authorized officer can file a private complaint; and that the petitioners cannot be prosecuted for the offence of theft.



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4. The learned Additional Public Prosecutor, per contra, would submit the petitioners did not have a valid transit permit; and that the question, as to whether the petitioners had committed theft or not, has to be adjudicated only in the trial.

5. Though it is alleged by the respondents that the petitioners had committed theft, there is no material in the final report to suggest from where the M-Sand was stolen. It is a case of the petitioners that they had purchased the M-sand from EL-Shaddai Blue Metals and had produced a copy of the bill. Unless the respondents are able to show that the mineral was removed from the property belonging to the State or from the possession of a third person, the offence of theft would not be made out for mere violation of the conditions of the transport permit. Hence the offence under Section 379 of the IPC is not made out and the impugned final report is liable to be quashed.

6. However, 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.



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7. In view of the above discussion, the impugned final report in C.C.No. 468 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Vilathikulam, Thoothukudi District is quashed. Accordingly, the 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,
Pudur Police Station,
Pudur, Thoothukudi 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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