



**Crl.O.P.(MD)No.21236 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.21236 of 2025**

**and**

**Crl.M.P(MD) No.18210 of 2025**

1.Muthuramalingam

2.Muruganantham ... Petitioners/Accused Rank Not Known

**Vs.**

1.State of Tamilnadu,

Represented by Inspector of Police,

Gandarvakottai Police Station,

Pudukkottai District.

(In Crime No.135/2025). ...1<sup>st</sup> Respondent/Complainant

2.Murugesan ...2<sup>nd</sup> Respondent/Defacto Complainant

**Prayer:** Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.135 of 2025 dated 30.06.2025 on the file of the 1<sup>st</sup> respondent police and to quash the same as illegal.

For Petitioner : Mr.K.Sivabalan  
for M/s.Aran Legal Consultancy

For R1 : Mr.R.M.Anbunithi  
Additional Public Prosecutor

**ORDER**



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This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.135 of 2025 on the file of the first respondent Police Station for the offences punishable under Sections 303(2) of BNS and Section 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act, 1957 [in short, '*the MMDR Act*'].

2. The gist of the allegation in the impugned FIR is that the petitioner had transported five units of M-sand worth about Rs.2,340/- without a valid transport permit and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the impugned FIR registered for the offence under section 303(2) of BNS cannot be sustained, since under the schedule to BNSS, the offence under section 303(2) BNS is non cognizable, if the value of the property is less than Rs.5,000/-. The respondents would have no jurisdiction to file final report for the offence under Sections 21(1), 21(2) of the MMDR Act and therefore, the impugned FIR may be quashed.



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4. The learned Additional Public Prosecutor would fairly submit that the value of the stolen property transported by the petitioner, without any valid transport permit, is Rs.2,350/-.

5. Since the value of the alleged stolen property is Rs.2,350/-, the respondents would have no jurisdiction to register the FIR for the offence under Section 303(2) of BNS without obtaining an order from the learned Magistrate as the said offence is non cognizable, if the value is less than Rs.5,000/-.

6. Further, the respondents would have no jurisdiction to file the final report for the offences under Sections 21(1) and 21(2) of the MMDR Act.

7. Therefore, this Court is inclined to quash the impugned FIR in Crime No.135 of 2025, dated 30.06.2025, on the file of the first respondent Police with liberty to the respondents or any other authority to prosecute the petitioner for any alleged violation under the MMDR Act by filing a complaint as required under Section 22 of the MMDR Act, 1957.



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

**25.11.2025**

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

Indu/ars

To

- 1.The Inspector of Police,  
Gandarvakottai Police Station,  
Pudukkottai 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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**25.11.2025**