



Crl.O.P.(MD)No.22244 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.22244 of 2024

and

Crl.M.P(MD) No.13845 of 2024

Albert Isack

... Petitioner /Accused 1

Vs.

1.The State of Tamilnadu,
Represented by the Inspector of Police
Thuckalay Police Station,
Kanyakumari District.
(Crime No. 242 of 2023).

2.Benin Lal

..Respondents / complainants

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023 to call for the records pertaining to the impugned charge sheet in C.C.No.342 of 2023 on the file of the learned Judicial Magistrate Court No.1, Padmanabhapuram, Kanyakumari District and to quash the same as against the petitioner is concerned.

For Petitioner : Mr.Sreenivasan.M.R

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



Crl.O.P.(MD)No.22244 of 2024

ORDER

WEB COPY This petition is filed to quash the impugned final report in C.C.No.342 of 2023 on the file of the learned Judicial Magistrate Court No.1, Padmanabhapuram, Kanyakumari District, which has been filed for the offence under Sections 420 and 468 of IPC.

2. The allegation in the impugned final report is that the petitioner, who was working as a Driver under the second accused had transported one unit of silt soil; that when he was intercepted by the first respondent Police, he had forged the trip sheet; and thus, committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the second accused is the owner of the vehicle and he had a valid permit for extraction of silt from the poramboke land for seven days from 02.06.2023 to 08.06.2023; that the alleged violation even if accepted to be true, has not caused any loss to the Government and hence, the impugned prosecution may be quashed.

4. The learned Additional Public Prosecutor for both the respondents, per contra, would submit that though the petitioner had a trip sheet to extract the silt, which was meant for 05.06.2023, it was used by the petitioner for



Crl.O.P.(MD)No.22244 of 2024

transporting the silt on 06.06.2023 by altering the date in the trip sheet.

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5. From the submission made on either sides, the fact that the second accused had permission to extract the silt from 02.06.2023 to 08.06.2023 is not disputed. The petitioner is said to have altered the date in the trip sheet meant for 05.06.2023 as 06.06.2023. Therefore, the alteration cannot be disputed by the petitioner at this stage. The question is whether the alleged offences are made out, even if the allegations are accepted to be true. It is not disputed by the respondents that the petitioner had a valid permit for extraction of silt from the poramboke land for seven days. Therefore, it is not their case that the sand was removed unlawfully and without the valid permission. No loss has been caused to the Government. To prosecute a person for any property offences, it has to be shown that the act committed by the said person would fall within the definition of “dishonestly” or “fraudulently”, which are the essential ingredients. No wrongful loss has been caused to the Government. There is no wrongful gain to the petitioner as well. Hence, it cannot be said that the ingredient of “dishonestly” has been made out. Similarly, even assuming that any other injury apart from the monetary loss has been caused to the Government, it is only slight. Therefore, this Court is inclined to take a lenient view and quash the prosecutions.



Crl.O.P.(MD)No.22244 of 2024

6. Considering the above facts, this Court is inclined to quash the impugned proceedings. Hence, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petition is closed.

31.10.2025

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

Indu

To

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



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Crl.O.P.(MD)No.22244 of 2024

SUNDER MOHAN, J.

Indu

Crl.O.P(MD).No.22244 of 2024

31.10.2025