



Crl.O.P.(MD)No.22485 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22485 of 2024

and

Crl.M.P.(MD)No.14035 of 2024

1.Ashwin

2.Selvaraj

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep.by its Inspector of Police,
Panagudi Police Station,
Tirunelveli District,
Crime No.980 of 2024.

2.Subramaniyan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to call for FIR relating to Crime No.980 of 2024 on the file of the first respondent Panagudi Police Station and quash the same.

For Petitioner	: Mr.S.Sivakumar
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.side)

ORDER

The petitioners, who are the accused in Crime No.980 of 2024 on the file of the first respondent for the offence under Sections 303(2) of



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BNS r/w 21(5) of the Mines and Minerals (Development & Regulations)

Act, have filed this quash petition.

2.The contention of the petitioner is that in this case, the first petitioner is the owner of the lorry and the second petitioner is the driver of the lorry. The lorry bearing Registration No.TN 75 BB 1334 was intercepted by the respondent police during their routine road check on 05.12.2024 at about 11.00 a.m., and it was found that the petitioner's Lorry is loaded with mineral stones at about 06.00 p.m., on 04.12.2024 to reach the distance of 90 kms before 06.00 a.m.. But on the way, the two tires of the lorry got puncture and later the lorry tires were removed and it took some time. Hence, the lorry was proceeded beyond the permit hours and the same was considered as though the lorry was transporting stones without permit and hence, the lorry was seized. Further, in this case, the registration of FIR was itself registered with a delay of 9 hours however, no explanation has been given. He added to his submission that in the case involving of mines and minerals, the respondent police cannot register the case. Hence, the petitioners filed this petition seeking to quash the complaint.



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3.The learned Additional Public Prosecutor appearing for the respondent police, on instructions submits that the issues of puncture, the mechanical default and the time taken to repair such default are the matters of fact and it cannot be decided in the quash application. In any event, the petitioners can very well produce all the materials relating to his contention before the respondent police and the same will be considered during investigation. If the petitioners' contention are found to be true, then necessary action will be taken.

4.The learned counsel for the petitioner submits that the petitioner will appear before the respondent police for enquiry on 17.02.2025 with all the relevant documents. On receipt of all the document, the respondent police is directed to consider the same and conduct investigation and conclude the same without any further delay.

5.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

22.01.2024

NCC : Yes / No
Index : Yes / No
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To

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



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M.NIRMAL KUMAR, J.

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