Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 31119 of 2026

CNR:{HCMA012459472026}

and

CRL MP No. 20602 of 2026

K.Sivaraman
S/o Krishnamoorthy,
No.235, North Street,
Annankarankuppam,
Keelkangeyankuppam,
Panruti, Cuddalore-607 805.

..Petitioner(s)

Vs

The State
Rep. by The Inspector of Police
Muthandikuppam Police Station,
Cuddalore District.
Crime No.1098 of 2020.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records pertaining to CC.No.266 of 2026 on the file of the learned Judicial Magistrate No.I,Panruti arising out of Cr.No.1098 of 2020 on the file of the 1st Respondent Police,and quash the same in so far as the Petitioner/A2 is concerned.

For Petitioner(s): Mr.A.Jegan

For Respondent(s): Mr.R.Ganesh Kumar
Additional Public Prosecutor

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

This petition has been filed to quash the proceedings in CC.No.266 of 2026 on the file of the learned Judicial Magistrate No.I,Panruti, thereby taken cognizance for the offences under Section 21(1) of Mines and Minerals (Development Regulation) Act 1957 and Sections 379, 430 of IPC.

2. Based on the complaint, the respondent herein registered an FIR in Crime No.1098 of 2020 for the offences punishable under Sections 379, 430 of IPC and 21(1) of Mines and Minerals (Development Regulation) Act 1957, alleging that the accused had transported 1/4 unit of sand from a water channel without obtaining any valid permission. In this case, the petitioner has been arrayed as A2. After completion of the investigation, the respondent police filed a final report and the same has been taken cognizance by the trial Court.

3. On a perusal of the records, it is seen that the accused had neither committed theft of sand nor dishonestly removed the same from the possession of any person. Further, there is no material to show that the petitioner had derived any wrongful gain from the alleged transportation. No specific material is available on record to establish the commission of any criminal act by the petitioner. Therefore, the offence of theft as defined under Section 378 of the IPC and punishable under Section 379 of the IPC is not made out against the

https://www.mhc.tn.gov.in/judis

WEB COPY

petitioner. Further, in the absence of any material to establish common intention or criminal participation, no case is made out against the petitioner. There is no material on record to establish that the accused had any prior meeting of minds or that they shared a common intention to commit the alleged theft.

4.In order to attract the offence under Section 430 of IPC, the prosecution must establish that the accused committed an act of mischief causing, or knowing it to be likely to cause, a diminution in the supply of water for any of the purposes specified therein. However, there is no specific allegation or material placed on record by the prosecution to establish that the petitioner had committed any such act which caused, or was likely to cause, a diminution in the water supply. Therefore, the prosecution has failed to establish the essential ingredients necessary to attract the offence under Section 430 of IPC.

5.Insofar as the charge under Section 21(1) of Mines and Minerals (Development Regulation) Act 1957 is concerned, Section 22 of MMDR specifically provides that no Court shall take cognizance of any offence punishable under the said Act or the Rules made thereunder, except upon a written complaint made by a person authorised in this behalf by the Central Government or the State Government. However, in the present case, the respondent police have filed a final report along with other offences under the IPC.

https://www.mhc.tn.gov.in/judis

WEB COPY

6.In view of the forgoing discussion, the continuation of the proceedings against the petitioner/A2 is not sustainable in law and is liable to be quashed.

7.Accordingly, the proceedings in CC.No.266 of 2026 on the file of the learned Judicial Magistrate No.I,Panruti, is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

27-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Uma

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1.The Judicial Magistrate No.I,Panruti,

2. The Insepctor of Police
Muthandikuppam Police Station,
Cuddalore District.
Crime No.1098 of 2020

3.The Public Prosecutor
High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

G.K.ILANTHIRAIYAN J.

UMA

CRL OP No. 31119 of 2026
and
CRL MP No. 20602 of 2026

27-10-2026

https://www.mhc.tn.gov.in/judis