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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL.O.P.No.32493 of 2026

CNR:{HCMA012637422026}

AND

CRL.M.P.No.21345 of 2026

Case QR

Parthiban
S/o.Jayaraman,
No.267, Pudhukudiyanur,
Bommahalli Post,
Karimangalam Taluk,
Dharmapuri District.

..Petitioner(s)

Vs

1. State represented by the Inspector of Police
   Karimangalam Police Station,
   Dharmapuri District.
   Crime No.527 of 2025

2. Beeman
   Village Administrative Officer,
   Bommahalli Village,
   Karimangalam Taluk,
   Dharmapuri District.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crime No.527 of 2025 pending on the file of the Inspector of Police, Karimangalam Police Station, Dharmapuri District and quash the same.

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For Petitioner(s): Mr.Kavinkumar C

For R1: Mr.R.Ganesh Kumar
Additional Public Prosecutor

ORDER

This criminal original Petition has been filed to call for the records relating to the FIR in Crime No.527 of 2025 pending on the file of the Inspector of Police, Karimangalam Police Station, Dharmapuri District and to quash the same.

2. On the complaint lodged by the second respondent/*de facto* complainant, the first respondent police registered a case in Crime No.527 of 2025 for the offence punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023 (for brevity "BNS").

3. It is the case of the prosecution that on 30.12.2025, as per the instructions of the Tahsildar, Karimangalam, when the *de facto* complainant went for a field inspection in S.No.301/2 situated at Osahalli lake, he found that the petitioner and other accused had excavated soil from Osahalli lake for agricultural purposes in excess of the limit permitted by the Tahsildar and hence, the complaint.

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4. On perusal of the records, it is found that the petitioner and others had excavated soil from Osahalli lake to his agricultural land comprised in Survey No.600/1A1, as per the permission issued by the Tahsildar *vide* Permit No.TN-12020251011173 dated 23.10.2025. After two days, the *de facto* complainant conducted field inspection and found that the accused had transported soil in excess of the limit permitted by the Tahsildar.

5. In order to attract the offence under Section 303(2) of the BNS, anyone who intends to take any movable property dishonestly out of another person's possession without their consent, and moves that property in order to take it, is said to commit theft.

6. In the case on hand, even according to the prosecution, the petitioner and other accused have taken soil beyond the permit level from Osahalli lake on the permit issued by the Tahsildar. Therefore, no ingredient is established by the prosecution to attract the offence under Section 303(2) of the BNS. Further, the first respondent also failed to mention the worth of the property, which was allegedly stolen by the petitioner. If the value of the stolen property is below Rs.5,000/-, it is non-cognizable and a bailable offence. In case of non-cognizable offence, the first respondent ought to have obtained appropriate order from the jurisdictional Magistrate, who is having power to try

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such case. In the absence of such order, the very registration of the FIR is illegal.

7. In view of the above, the registration the FIR against the petitioner is not sustainable in law and hence, the same is liable to be set aside.

8. Accordingly, this criminal original petition stands allowed and the First Information Report registered in Crime No.527 of 2025 on the file of the first respondent, is hereby quashed. Connected Crl.M.P. is closed.

04-11-2026

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

nsd

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To

1. The Inspector of Police
   Karimangalam Police Station,
   Dharmapuri District.

2. The Public Prosecutor,
   Madras High Court, Chennai.

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G.K.ILANTHIRAIYAN J.

nsd

CRL OP No. 32493 of 2026

04-11-2026

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