



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 796 of 2026
and CRL MP No. 432 of 2026

Chinnasamy

..Petitioner(s)

Vs

State by,
The Inspector of Police,
Karimangalam Police Station,
Karimangalam,
Dharmapuri District.
Cr.No.445 of 2025.

..Respondent(s)

PRAYER: Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records in Crime No.445 of 2025 pending on the file of the Inspector of Police, Karimangalam Police Station, Dharmapuri District and quash the same.

For Petitioner(s) : Mr.C.Kavinkumar

For Respondent(s): Mr.K.M.D. Muhilan,
Additional Public Prosecutor

Order

This Criminal Original Petition has been filed seeking to quash the proceedings against the petitioner in Crime No.445 of 2025 pending on the file of the respondent police for the offence punishable under Section 303(2) of BNS.



2.The case of the prosecution is that on 02.11.2025, when the *de facto* complainant, Special Sub-Inspector of Police, was along with the team in usual rounds, they had seen a Tipper lorry bearing Registration No.TN 29CS 4084, coming in front of them and intercepted the vehicle. On seeing the police party, the driver stopped the lorry and ran away and on inspection, they found that the driver had illegally excavated and transported two units of gravel soil without permission. Hence, this case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the owner -cum- driver of the Tipper lorry and his vehicle is used for rental purpose in his area. One villager, viz., Meena, made an application before the Tahsildar in Application No.TN-12020251030107 dated 30.10.2025 for transportation of soil from the Kethanahalli Lake to her agriculture land in S.No.206/6 for agricultural purpose. Hence, the petitioner had transported the same only with due permission whereas a false case has been registered as if the petitioner had illegally transported the soil. He would submit that even as per the prosecution, the value of the sand is Rs.2,058/-. If the value of the alleged stolen property is less than Rs.5,000/-, the case will come within the scope of non cognizable offence. He would further submit that as per Section 174 of BNS, FIR can be registered only after getting appropriate orders from the learned Judicial Magistrate, who has power to try such a case. In the absence of the same, the very registration of the FIR is illegal and hence,



further proceedings pursuant to the FIR is an abuse of process of law and hence, it is liable to be set aside.

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4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had illegally transported the sand in his Tipper Lorry. However, he conceded that as per the report given by the Assistant Director of Mines, the value of the sand recovered from the Tipper lorry is Rs.2,058/-.

5.As stated above, as per Section 174 of BNS, if the value of the property is less than Rs.5,000/-, only after getting appropriate orders from the learned Magistrate who has power to try the case, FIR can be registered. In this case, no permission had been obtained and hence, the FIR registered against the petitioner is unsustainable in law and it is an abuse of process of law.

6.In view of the above, this Criminal Original Petition is allowed and the FIR in Crime No.445 of 2025 on the file of the respondent police, is quashed as against the petitioner.

11-02-2026

MPS



To

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

2.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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A.D.JAGADISH CHANDIRA J.

MPS

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AND
CRL MP NO. 432 OF 2026**

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