



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 34624 of 2025

Crl.M.P.Nos.24259 & 24264 of 2025

T.Ramachandran

..Petitioner(s)

Vs

1. The State through the Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
(Crime No.201 of 2012)
2. The State Rep. by
The Deputy Superintendent of Police,
District Crime Branch,
Krishnagiri,
Krishnagiri District.
3. R.Chitra,
Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS, pleased to pass an order calling for the records and quashing the charge sheet in S.C.No.20 of 2024 on the file of the Principal District and Sessions Court, Krishnagiri as against the petitioner herein.

For Petitioner(s):

R.Ganesh Kumar

For Respondent(s):

Mr.S.Udaya Kumar

Government Advocate (Criminal side)

For R1 and F2



ORDER

On 17.02.2026, this Court passed the following order, which is extracted hereunder:-

“The petitioner A1, facing trial in S.C.No.20 of 2024 along with 5 others for offences under Sections 379 IPC r/w 4 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and Section 21(1) (4) of The Mines and Minerals (Development and Regulation) Act, 1957 and Section 4(a) Explosive Substance Act, filed this quash petition.

2.The case of the prosecution is that the petitioner Ramachandran A1 is running a crushing unit in the name of M/s.United Quarries Krishnagiri Private Limited., at Nagamangalam, Krishnagiri District, within the jurisdiction of Kelamangalam police station limits. A2 is the elder brother of A1. A3 & A4 are close associates of A1. On 28.07.2012, the defacto compliant Saravanan, Assistant Director, Geology and Mines department and other officials inspected the quarry belonging to A1 and found illegal quarrying in SF No.560 and 563 in part (7 & 8) at Nagamangalam Village. It was found that quarrying stones in the abovesaid area was more than the license granted. During the period from 10.06.2008 to 28.07.2012, A1 to A6 illegally quarried 56016 and 132126 Cbm respectively rough stones over and above the permitted quantity by misusing transit permit for the above said lands. Like wise in Survey No.856 /A at Podichipalli Village of Denkanikottai Taluk



quarried stones of 15080 Cbm in a unlicensed area without paying seniorage fees and without getting any transit permit and by using high explosive, thus committed damage to the above said property and caused wrongful loss to the Government to the tune of Rs.16,66,42,040/-, thus committed theft of stones in violation of rules and conditions of the lease deed and thus, committed the offences. Further, it was found that A1 to A6 quarrying the stones using explosives namely Penta Erythritol Tetra Nitrate (PETN) which is highly explosive.

3. The learned counsel for the petitioner submitted that the petitioner and one Sivadasan Ramachandra pillai, both incorporated a company in the name of United Quarries Krishnagiri Private ltd., on 09.01.2006. Thereafter, petitioner due to personal work and pre occupancy unable to attend to the company work as Chairman and Director, hence, tendered his resignation on 03.10.2006 and thereafter, company considered and accepted his resignation and relieved him from Directorship and Form 32 dated 08.03.2007 filed with Registrar of companies. The petitioner relieved as Director of the United Quarries Krishnagiri's Private Ltd., and the same received in ROC, from then on petitioner has nothing to do with the activities of the said company. The admitted position is that the lease for quarrying and carrying on with mines and minerals granted by the District Collector Proceedings No.144/2008 dated 29.03.2008, it was registered in SRO, Royakottai on 25.06.2008 in Doct. No.1643 of 2008. The quarrying licence was entered by the authorised person of united quarries ltd. Thiru.K.Balachandrakumar who is arrayed as A5 in this case.



Confirming petitioner has nothing to do with the quarrying business of United Quarries Krishningiri Private Ltd., He further submitted that cases registered against the petitioner is on a wrong premise that the petitioner is Chairman and Managing Director, in one of the case in S.C.No.125 of 2019, the petitioner filed a quash application in Crl.O.P.No.34363 of 2019 and this Court by order dated 03.08.2023, quashed the case. According to the petitioner, originally the license was granted from 12.08.2008 to 09.06.2018 for a period of 10 years. After the inspection on 28.07.2012 the licence was cancelled and seniorage charges now worked out for the period from 10.06.2008 to 28.07.2012. He further submitted that some of the co-accused in this case filed discharge petition before the trial Court got dismissed and thereafter, they filed Crl.R.C.Nos.386 and 436 of 2024, Crl.R.C.550 of 2025 and 468 of 2025. This Court admitted the revision cases and granted stay of proceedings, in S.C.Nos.123, 124, 125 and 126 of 2019. He further submitted that the petitioner is proceeded on a wrong premise that he is Chairman and Managing Director of M/s.United Quarries Krishnagiri Private Limited. The petitioner got relieved from company as early as 03.10.2006, much prior to grant of mining licence . He further submitted that apart from the IPC offence, charge sheet filed including Mines and Minerals Act. The police have no power to register and investigate a case under Mines and Minerals Act. In view of the above, the petitioner cannot be prosecuted, hence, the case against him to be quashed.



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4. The learned Govt. Advocate (Crl.Side) filed his counter and submitted that initially a case was registered by Kelamangalam police in Crime 201 of 2012 later transferred to the District Crime Branch, Krishnagiri vide SPCA C.No.16030/2012 dated 29.08.2012 and further submitted that on 28.07.2012 the Assistant Director Geology and Mines and other officials inspected the quarrying area of the petitioner's company and found quarrying of stones in that area, more and above the permitted area of quarrying as per licence. From 10.06.2008 to 28.07.2012 and caused wrongful loss to the Government, by illegal quarrying to the extent of 56016 and 132126 cbm respectively and rough stones in Nagamangalam village, further quarried without licence 15082 cbm in Survey No.856 /A and survey 560 at Podichipalli Village. During investigation, statement of witnesses LW1 to LW15 recorded along with documents and charge sheet filed. The trial Court took cognisance of the complaint and issued summons. Further, during course of investigation, no explanation given and documentary proof produced to establish the petitioner resigned from the post of Director and the same intimated and filed with Registrar of Company. Further, referring to the statement of LW37, the registrar of companies, Coimbatore wherein, he clearly stated that the petitioner along with one Sivadasan Ramachandirapillai incorporated the company in the name of United Quarries Krishnagiri on 13.01.2006, hence, the petitioner is the Chairman and Managing Director.

5. The learned counsel for the petitioner opposing the learned Govt. Advocate (Crl.Side) contention and submitted



LW37 speaks only about incorporation and not about the resignation and filing of Form – 32. The petitioner case is that company is in the year 2006 petitioner resigned and got relieved from the directorship of the company much before issuance of licence in the year 2008. Further, on the same point, this Court allowed Crl.O.P.No.34363 of 2019 quashed the case in S.C.No.125 of 2019.

6.At this stage, learned Govt. Advocate (Crl.Side) seeks small accommodation to verify with regard to the date on which Form 32 filed with Registrar of Companies.

7.In the meanwhile, there will be an order of stay of proceedings. Post the case on 24.02.2026. “

2.In continuation of the order dated 17.02.2026, the learned Government Advocate (Criminal side) today after verification with the Registrar of Companies records, confirmed that in this case petitioner resigned and relieved from the Directorship of M/s.United Quarries Krishnagiri Private Limited in the year 2006, but the same submitted in the year 2007, confirmed that petitioner relieved in the year 2006 but filed it before the ROC in the year 2007, fairly submitted that in this case license was granted on 10.06.2008. After the petitioner resignation the records collected showed petitioner acted as Chairman and Managing Director of the Company. The Annual Return of the Company for the year 2013 and 2014 produced. On verification of the Annual Return confirms that the petitioner is not a Director associated after 2007. Thus, from the contention of the petitioner and after the verification of the same by the



learned Government Advocate (Criminal side) from the ROC and Annual Return, taking into account the documents produced is a public document is of sterile quality.

3.The Apex Court held that such documents can be considered and acted upon to ensure no person does not face criminal prosecution unnecessarily when he is in no way connected with the company and for its subsequent quarrying activities. Further the statement of witnesses there is nothing to show that after the petitioner left the company still continued to participate in any of the activities of the company. In this case the quarrying licence was issued for a period of ten years from 10.06.2008 to 09.06.2018 and the lease deed for quarrying is a registered document No.1643 of 2008. K.Balachandra Kumar / A5 signed as authorised person and District Collector by proceedings No.144/2008 dated 29.03.2008 granted quarrying permission for ten years. The surprise check conducted by the Assistant Director, Geology and Mines Department and others on 28.07.2012, found that during the period 10.06.2008 and 28.07.2012, some illicit quarry taken place and thereafter quarrying license cancelled. Admittedly, during this period the petitioner is no way connected with the quarrying activities of M/s.United Quarries Krishnagiri Private Limited. Thus, taking the statement and documents, uncontroverted, it is clear that there was no incriminating material against the petitioner.



4. In view of the above continuation of the proceedings against the petitioner / A1 would amount to abuse of process of law. Hence, this Court quashes the proceedings and case in S.C.No.20 of 2024 on the file of the learned Principal District and Sessions Judge, Krishnagiri, against the petitioner / A1 alone.

5. Accordingly, the Present Criminal Original Petition stands allowed. Consequently, connected Criminal Miscellaneous Petitions are closed.

24-02-2026

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

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M.NIRMAL KUMAR, J.

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