



CRL OP(MD). No.398 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.398 of 2026

and

CRL MP(MD). No.394 of 2026

E.Chandran

... Petitioner

Vs

1. State of Tamilnadu Rep by
Inspector of Police, Panagudi Police Station,
Tirunelveli District,
Crime No.116/2025.

2. A.Kumar,
Special Tahsildar (Minerals),
Department of Geology and Mining,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER :-

To call for the records of the impugned charge sheet in CC.No. 199/2025 on the file of the learned Judicial Magistrate Court, Valliyoor, and quash the same as illegal in respect of the petitioners concerned.

For Petitioner : Mr. S.Krishna Kumar,
Advocate.

For Respondent : Mr.M.Sakthi Kumar for R1
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed to call for the records of the impugned charge sheet in CC.No.199/2025 on the file of the learned Judicial Magistrate Court, Valliyoor, and quash the same as illegal in respect of the petitioners concerned.

2. Learned counsel for the petitioner submitted that the petitioner herein is the second accused and the owner of the vehicle bearing registration number TN 72 CV 4431, which was seized in Crime No.116 of 2025 at the instance of the second respondent and the case was registered on 29.01.2025 alleging that on the said date at 9:30 hours one T. Vinu Kumar, the Sub Inspector of Police, Panagudi Police Station, while on station duty received a written complaint from the second respondent Special Deputy (Minerals) Department of Geology and Mining, Tirunelveli. On perusal of the petition and considering the nature of the case, a First Information Report in Crime No.116 of 2025 was registered for the offences under Sections 303(2) BNS (379 IPC) and Section 21(4) of the MMDR Act.



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3. Learned counsel for the petitioner pointed out that the offence under Section 21(4) of the MMDR Act cannot be registered by the first respondent for which only a private complaint is maintainable that too at the instance of the Special officer under the MMDR Act. Further he stated that the petitioner was in no way connected with the offence and being the owner of the property involved, he has been roped in this case. The driver of the vehicle was in possession of a valid pass at the time of the alleged offence. In the presence of a valid permit, the respondent police ought not to have registered the case against the petitioner and another. Hence, he sought for indulgence of this Court.

4. Per contra, learned Government Advocate(Crl.side) fairly conceded that only a private complaint can be filed, for the alleged offence under Section 21(4) of MMDR Act, that too the Special officer should take necessary action by means of a private complaint before the jurisdictional Magistrate. However, as far as Section 303(2) of BNS is concerned, he categorically contended that a FIR can be registered. The petitioner, even at the time of investigation or at the time of registration of FIR or even before laying charge sheet and even while availing



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anticipatory bail, did not raise the plea that he had the possession of a valid permit for transport of the sand. Had it been true, he would have diligently submitted the same before the investigating officer as well as before this Court while availing anticipatory bail. However, now he has managed to get a concocted permit, all of a sudden to prefer this quash petition and sought dismissal.

5. Heard both sides and carefully perused the materials available on record.

6. Considering the strong objection raised by the learned Government Advocate as to the genuinity of the copy of the permit placed by the learned counsel for the petitioner before this Court, this Court is of the view that the genuinity could be tested only by the learned Judicial Magistrate at the time of trial. This Court do not find any demerit in registering a case as far as Section 303(2) of BNS is concerned. As far as Section 21(4) of MMDR Act, the same cannot be registered by the police. Hence, the impugned charge sheet in CC.No.199/2025 on the file of the learned Judicial Magistrate Court, Valliyoor is quashed as far as Section 21(4) of MMDR Act.



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7. Accordingly, this Criminal Original Petition is partly allowed.

Consequently, connected miscellaneous petition stands closed.

02.02.2026

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1. The Judicial Magistrate Court, Valliyoor.
2. The Inspector of Police, Panagudi Police Station,
Tirunelveli District, Crime No.116/2025.



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L. VICTORIA GOWRI,J

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