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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.889 of 2026

and

Crl.M.P(MD)No.963 of 2026

1.Kumar

2.Stalin

3.Dhas

...Petitioners/Accused Nos.1 to 3

Vs

1. State of Tamilnadu,
Rep by Inspector of Police,
Kadalayumoodu Police Station,
Kanyakumari District.
Crime No.192 of 2025.

...Respondent/Complainant

2. Nelson,
Sub-Inspector of Police,
Kadalayumoodu Police Station,
Kanyakumari District.

...Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records in connection with Crime No.192 of 2025 on the file of the 1st respondent police and quash the same as against the petitioners.

For Petitioners

: M/s.R.Russel Raj

For Respondents

: M/s.N.Balasubramanian
Counsel for State of TN(crl.side)
for R1



ORDER

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The present petition has been filed by A1 to A3, seeking to quash the FIR in crime No.192 of 2025, on the file of the first respondent police wherein they are alleged to have committed offences under Sections 303(2) of BNS, 2023.

2. A perusal of the FIR reveals that the petitioner and others are said to have stolen one unit of crusher without proper permission from the authorities.

3. The learned Counsel appearing for the petitioner produced a certificate of registration for transportation and storage of Minerals under the Tamil Nadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealers Rules, 2011.

4. A perusal of the certificate reveals that the said certificate is valid for a period between 23.01.2023 and 22.01.2028 wherein the petitioner has been granted registration for storing and transportation of rough stone boulders. In such circumstances, it cannot be contended that the petitioner had transported the crushers stone without any prior permission from the authorities concerned and in such circumstances, the continuation of the proceedings would only be an abuse of process of law.



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5. In violation of interim order granted by this Court, the charge sheet has been laid by the investigating agency in C.C.No.302 of 2026 before the learned Judicial Magistrate No.1, Kuzhithurai.

6. In view of the above said facts, charge sheet in C.C.No.302 of 2026 on the file of the Judicial Magistrate No.1, Kuzhithurai arising out of Crime No. 192 of 2025 on the file of the first respondent police stands quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is also closed.

02.06.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

The Inspector of Police,
Kadayalumoodu Police Station,
Kanyakumari District.

Copy to:-

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

RJR

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