



Crl.OP(MD)Nos.1333 and 1334 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.1333 and 1334 of 2026

and

Crl.M.P.(MD)Nos.1416 and 1430 of 2026

Crl.O.P.(MD).No.1333 of 2026

Kannan

... Petitioner/Accused

Vs.

1. The State of Tamilnadu
Rep. by, the Inspector of Police,
Vikkiramangalam Police Station,
Madurai District.
Crime No. 142/2013

.... Respondent / Complainant

2. Thirupathi

.... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the charge Sheet in Spl.SC No.34/2021 dated 12.01.2015 on the file of the Special court to deal with the cases of offences in Contravention of the provisions of the Mines and Minerals (D and R) Act 1957, Madurai and quash the same.



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Crl.OP(MD)Nos.1333 and 1334 of 2026

For Petitioner : Mr.J.Abisha Issac,
For M/s. Issac Chambers
For R-1 : Mr.S.Ravi,
Additional Public Prosecutor

Crl.O.P.(MD).No.1334 of 2026

Kannan ... Petitioner/Accused

Vs.

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Rep. by, the Inspector of Police,
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Crime No. 142/2013

.... Respondent / Complainant

2. Thirupathi

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Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the Charge Sheet Spl.S.C. No. 35 of 2021 dt. 12.01.2015 on the file of the Special Court to deal with the cases of offences in contravention of the provisions of the Mines and Minerals (D and R) Act 1957, Madurai and quash the same.

For Petitioner : Mr.J.Abisha Issac,
For M/s. Issac Chambers
For R-1 : Mr.S.Ravi,
Additional Public Prosecutor



Crl.OP(MD)Nos.1333 and 1334 of 2026

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COMMON ORDER

Preface:

These Criminal Original Petitions have been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, corresponding to Section 482 Cr.P.C., seeking quashment of the proceedings in Spl.S.C.Nos.34 and 35 of 2021 on the file of the Special Court constituted to deal with offences under the Mines and Minerals (D and R) Act 1957, Madurai.

2. Both prosecutions arise out of allegations of large-scale illegal granite quarrying, trespass into Government poramboke lands, removal of boundary stones, use of explosive substances, theft of granite blocks, damage to Government property and consequential wrongful loss to the State exchequer.

3. Since both petitions are filed by the same petitioner and the grounds urged are substantially similar, they are disposed of by this common order.



Crl.OP(MD)Nos.1333 and 1334 of 2026

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Case of the Prosecution:

4. In Crl.O.P.(MD) No.1333 of 2026, the prosecution case is that lease was granted in respect of Survey No.132/1, Eravarpatti Village, only to a limited extent, but the accused allegedly trespassed into adjoining Government poramboke land and non-lease areas, removed boundary stones, used explosives and illegally quarried granite. The evaluation report estimates illegal transportation of granite worth Rs.17.48 Crores.

5. The prosecution has filed the final report for offences under Sections 120-B, 447, 379, 420, 434, 465, 467, 468, 471, 304(ii) read with 511, 109 and 114 IPC, Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, and Sections 6 read with 3(a) and 4(a) of the Explosive Substances Act, 1908.

6. In Crl.O.P.(MD) No.1335 of 2026, the prosecution case is that A1/Tamilselvi obtained quarry lease in Survey No.84/1, Sakkarappanayakkanur Village, but the accused persons allegedly quarried beyond the leasehold area, removed boundary stones, used



Crl.OP(MD)Nos.1333 and 1334 of 2026

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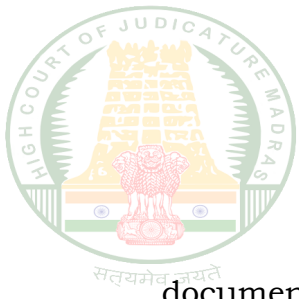
explosives in Government poramboke land and caused loss to the Government to the tune of Rs.110.69 Crores.

7. The respondent has specifically stated that, in Crime No.142 of 2013, 41 witnesses were examined and 24 exhibits were collected, and in Crime No.141 of 2013, 42 witnesses were examined and 23 documents were collected.

8. The prosecution relies upon eyewitness statements, evaluation reports, sketch, damage certificates and official reports to contend that the petitioner was not a mere relative or stranger, but was functioning as Manager and was present at the scene during the commission of the alleged offences.

Grounds for Quash:

9. The petitioner contends that he is only a relative of one of the accused and that he has been falsely implicated. He denies that he was working as Manager or that he had any responsibility over the quarrying operations. It is further contended that there is no



Crl.OP(MD)Nos.1333 and 1334 of 2026

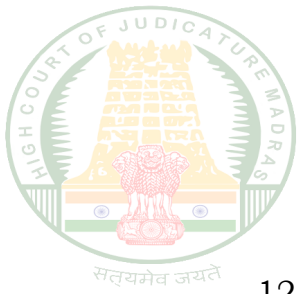
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documentary proof to show that the petitioner was employed as Manager or that he was in charge of the company's business.

10. The petitioner also contends that the allegations are vague, bald and omnibus, and that the prosecution has not disclosed any specific overt act against him. Another contention is that the witness statements are parrot-like and mechanically recorded, and therefore the prosecution cannot be permitted to proceed solely on the basis of such statements.

Submissions on either side:

11. The learned counsel for the petitioner submitted that the petitioner was never the owner, lessee, partner or beneficiary of the quarry. He was not connected with the lease, machinery, explosives, transport permits, sale of granite or management of the quarry. It was submitted that merely describing him as “Manager Kannan” cannot create criminal liability. According to the learned counsel, vicarious liability in criminal law is not automatic and must be founded upon specific averments and legally acceptable material.



Crl.OP(MD)Nos.1333 and 1334 of 2026

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12. The learned counsel further submitted that the ingredients of the offences under Sections 420, 465, 467, 468 and 471 IPC are not made out, since no deception, inducement, forged document or use of forged document is attributed to the petitioner. It was also argued that Section 304(ii) IPC read with Section 511 IPC is wholly misconceived, since no death had occurred and the prosecution proceeds only on a speculative allegation that unfenced quarry pits may endanger human life. The learned counsel therefore submitted that continuation of proceedings against the petitioner would amount to abuse of process of Court.

13. The learned Additional Public Prosecutor opposed the petitions and submitted that these cases involve serious economic and environmental offences. It was submitted that the petitioner is specifically referred to in the statements of eyewitnesses as Manager and as a person present at the quarry site during the illegal operations.

14. In Crl.O.P.(MD) No.1333 of 2026, the eyewitness statement specifically refers to the petitioner/Kannan along with other persons



Crl.OP(MD)Nos.1333 and 1334 of 2026

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at the quarry site and alleges participation in removal of boundary stones and quarrying activities.

15. In Crl.O.P.(MD) No.1335 of 2026, the statement of LW-6 refers to Tamilselvi and her relative Kannan as Manager and further states that the petitioner was involved in tying the blasted granite stones with iron chains for lifting by crane.

16. The prosecution further relied upon the evaluation reports, which disclose huge illegal extraction of granite from leasehold and non-leasehold areas. In one case, the loss is assessed at Rs. 17.48 Crores and in the other, at Rs.110.69 Crores. The learned Additional Public Prosecutor also submitted that the damage certificates reveal the cost of restoring the illegally quarried trenches and establish damage to Government poramboke lands.

17. It was further submitted that conspiracy cannot always be proved by direct evidence. Where a group of persons jointly undertake illegal quarrying, their agreement and common intention can be inferred from conduct, presence, participation and



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surrounding circumstances. The prosecution contended that this Court, while exercising jurisdiction under Section 528 BNSS, cannot conduct a meticulous appreciation of witness statements or test their reliability as if conducting trial.

18. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for Consideration:

19. The point that arises for consideration is whether the materials collected by the prosecution, taken at their face value, disclose a *prima facie* case against the petitioner requiring trial, or whether the proceedings are liable to be quashed at the threshold?

Analysis:

20. The inherent power of this Court is wide but not unregulated. It is meant to prevent abuse of process and to secure the ends of justice. However, it cannot be converted into a substitute for trial. At the stage of quash, the Court is not expected to evaluate the probative value of statements, compare contradictions, test



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credibility of witnesses or decide whether the prosecution will ultimately succeed. If the final report, witness statements and documents disclose a *prima facie* case, the accused must face trial. A strong suspicion founded upon materials is sufficient at this stage.

21. The principal contention of the petitioner is that he has been casually referred to as Manager without documentary proof. This Court is unable to accept that contention as a ground for quashing at this stage. The absence of appointment order or employment document may be a relevant defence during trial, but it cannot by itself erase the statements of witnesses who claim to have seen the petitioner at the quarry site.

22. In cases of illegal quarrying, the prosecution may not always have formal employment records. Persons may function operationally without written appointment. Therefore, whether the petitioner was truly a Manager, whether he exercised control, and whether the witnesses are truthful are all matters for evidence. The prosecution materials do not merely mention the petitioner by name.



Crl.OP(MD)Nos.1333 and 1334 of 2026

They attribute presence and participation to him at the quarry site.

That is sufficient to cross the threshold of *prima facie* scrutiny.

23. In Crl.O.P.(MD) No.1333 of 2026, the statement of LW-6 refers to the presence of A.G.Gopal, Manager Kannan and others at the quarry site. The witness further narrates removal of boundary stones, marking of poramboke land, blasting and transportation of granite stones.

24. In Crl.O.P.(MD) No.1335 of 2026, the eyewitness statement refers to Tamilselvi, her Manager Kannan and others coming to the quarry site. It further attributes an operational role to Kannan in tying granite stones with iron chains for lifting.

25. The petitioner contends that these statements are parrot-like. This contention cannot be accepted at this stage. Similarity in statements may arise because witnesses saw the same occurrence. Whether they are tutored, exaggerated or unreliable must be tested only by cross-examination. This Court cannot, in a quash petition,



Crl.OP(MD)Nos.1333 and 1334 of 2026

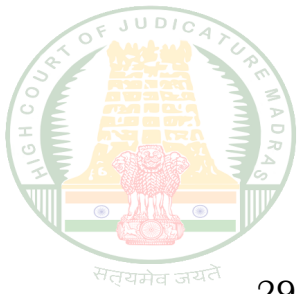
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discard eyewitness statements merely on the ground that they appear similar.

26. The evaluation report in Crime No.142 of 2013 records that granite worth Rs.17.48 Crores was illegally transported from leasehold and non-leasehold areas. It also records encroachment into adjoining Government Malai Poramboke and patta lands. The damage certificate refers to the cost of renovating quarried trenches in Government poramboke land.

27. Similarly, in Crime No.141 of 2013, the evaluation report estimates illegal transportation of granite worth Rs.110.69 Crores and records illicit quarrying in non-leased Government poramboke land.

28. These documents are not to be treated as conclusive proof at this stage. However, they constitute *prima facie* official material supporting the prosecution case that illegal quarrying had taken place. When read along with the witness statements naming the petitioner, a triable case is disclosed.

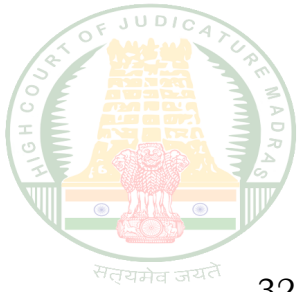


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29. The petitioner argues that there is no direct proof of conspiracy. But conspiracy is rarely proved by direct evidence. The agreement may be inferred from conduct and circumstances. The prosecution alleges that several accused jointly entered the quarry site, removed boundary stones, marked non-lease areas, used explosives, extracted granite, lifted stones and transported them. The statements refer to group participation and coordinated activity.

30. At this stage, this material is sufficient to permit the prosecution to prove conspiracy at trial. Whether the prosecution ultimately establishes agreement beyond reasonable doubt is a matter for the trial Court.

31. The allegations disclose trespass into Government poramboke lands, removal of boundary stones and dishonest removal of granite blocks. The petitioner is alleged to have been present and to have participated in operational activities connected with illegal quarrying. Such allegations, if proved, may attract Sections 447, 379 and 434 IPC. This Court cannot hold at the threshold that these offences are not made out.

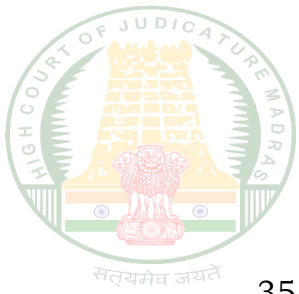


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32. The allegation of cheating is founded upon the prosecution case that the accused, under cover of leasehold rights, illegally quarried granite from non-leased areas and caused wrongful loss to the Government.

33. Whether the ingredients of deception and dishonest inducement are ultimately established is a matter for trial. At this stage, the allegation of exploiting leasehold permission to illegally extract granite from non-leased Government land cannot be brushed aside.

34. The petitioner contends that no forged document is attributed to him. The final report invokes forgery-related offences as part of the larger quarrying operation. It is true that the prosecution must prove the foundational facts for these offences during trial. But at the stage of quash, when the final report has been filed after collection of documents and official records, this Court cannot isolate the petitioner and conduct an offence-wise acquittal exercise.



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35. Whether the petitioner had any connection with forged or fabricated records, if any, must be considered by the trial Court at the time of framing of charges or during trial on the basis of the entire final report materials.

36. The prosecution alleges that the accused excavated deep quarry pits without fencing, knowing that such pits may endanger human life, cattle and workers. The witness statement also refers to the danger of persons or animals falling into such pits. Whether this allegation would ultimately sustain a charge under Section 304(ii) read with Section 511 IPC is for the Special Court to examine at the stage of framing charge. It cannot be said that the allegation is wholly absurd or inherently impossible.

37. The prosecution specifically alleges use of explosives outside the permitted leasehold area. It is also stated that sanction was accorded by the District Collector for prosecution under the Explosive Substances Act, 1908. The question whether the petitioner handled explosives personally is not decisive at this stage, particularly when conspiracy and common participation are alleged.



Crl.OP(MD)Nos.1333 and 1334 of 2026

If illegal blasting was carried out as part of the quarrying operation, the role of each accused must be determined at trial.

38. The prosecution materials allege damage to Government land and removal of boundary stones with machinery. The damage certificate and evaluation report support the allegation of destruction of public property. The petitioner's role in such damage is disputed. But disputed facts cannot be decided under Section 528 BNSS.

39. This Court is of the view that the present case does not fall within the exceptional category warranting quashment. The petitioner may have a defence that he was not Manager. He may also contend that the witness statements are tutored or mechanically recorded. He may dispute his presence and deny participation. But all these are matters requiring trial.

40. The Court cannot, at this stage, accept the defence version and discard the prosecution materials. The materials collected by the prosecution, particularly the eyewitness statements, evaluation



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reports, damage certificates and official records, disclose a *prima facie* case sufficient to proceed further.

41. The gravity of illegal quarrying, the alleged magnitude of public loss, the allegation of use of explosives and the specific references to the petitioner's presence and participation make it unsafe to terminate the prosecution at the threshold.

Epilogue:

42. Illegal quarrying is not merely an offence against property. It is an offence against the land, the environment and the public trust. When natural resources are allegedly removed by organized activity, the Court must be slow to stifle prosecution at its inception, unless the case is manifestly groundless.

43. The inherent power of this Court is a shield against malicious prosecution. It is not a sword to prematurely sever a prosecution which discloses triable facts. The petitioner is at liberty to raise all contentions before the trial Court at the appropriate stage. The trial Court shall consider the materials independently and



Crl.OP(MD)Nos.1333 and 1334 of 2026

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herein.

in accordance with law, uninfluenced by any observations made herein.

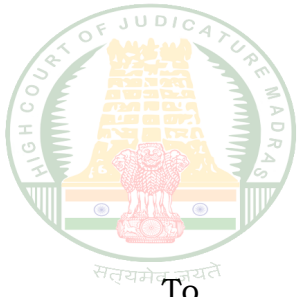
44. In the result, both Criminal Original Petitions are dismissed.

45. The learned Special Court constituted to deal with offences under the Mines and Minerals enactment, Madurai, shall proceed with Spl.S.C.Nos.34 and 35 of 2021 in accordance with law.

46. It is made clear that the observations made in this order are only for deciding these quash petitions and shall not influence the trial Court during trial or at the stage of framing charges. Consequently, connected miscellaneous petitions are closed.

01.06.2026

NCC : Yes / No
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Internet : Yes/ No
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Crl.OP(MD)Nos.1333 and 1334 of 2026

To
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- 1.The Judge,
Special court to deal with the cases
of offences in Contravention of the
provisions of the Mines and Minerals
(D and R) Act 1957, Madurai.
- 2.The Inspector of Police,
Vikkiramangalam Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.OP(MD)Nos.1333 and 1334 of 2026

L.VICTORIA GOWRI, J.

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CRL OP(MD)Nos.1333 and 1334 of 2026

01.06.2026