



CRL OP(MD). No.1251 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.1251 of 2026

and

CRL MP(MD)Nos.1299 and 1300 of 2026

Esther James

... Petitioner

Vs

1. State of Tamilnadu Rep by
Inspector of Police, Arumanai Police Station,
Kanyakumari District.
(In Crime No.148/2023).

2. Satheesh

... Respondents

PRAYER :-

To call for the records pertaining to the Charge Sheet in CC No. 205/2024 on the file of the learned Judicial Magistrate Court No.1, Kuzhithurai and Quash the same as illegal.

For Petitioner : Mr. Daniel Robinson E J,
Advocate.

For Respondent : Mr.S.Ravi for R1
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed to call for the records pertaining to the Charge Sheet in CC No.205/2024 on the file of the learned Judicial Magistrate Court No.1, Kuzhithurai and Quash the same as illegal.

2. Learned counsel for the petitioner submitted that on the complaint received from the second respondent, a First Information Report in Crime No. 148 of 2023 came to be registered as against the petitioner for the offences under sections 379 of IPC and Section 21(1) of the Mines and Minerals Development and Regulation) Act, 1957 and the same culminated in laying a charge sheet in CC.No.205 of 2024 on the file of the learned Judicial Magistrate No.I, Kuzhithurai. Further, learned counsel pointed out that the first respondent police do not have any power to register a case for the offence under the Mines and Minerals Development and Regulation) Act, 1957 and sought for quashment of the final report.

3. Per contra, learned Additional Public Prosecutor, pointed out that the learned trial court has rightly taken cognition for the offense



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under Section 379 IPC alone and had issued summons to the accused and hence the grounds raised by the petitioner is not sustainable.

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

5. As rightly pointed out by the learned Additional Public Prosecutor, learned Judicial Magistrate No.I, Kuzhithurai, has taken cognizance only for the offences under Section 379 IPC. However, this Court considered the fact that the petitioner is a senior citizen and the final report would reveal that the limestone worth Rs.5,000/- has been stolen by the petitioner.

6. However, learned counsel for the petitioner pointed out that the petitioner had removed the limestones from her own patta land comprised in Patta No.6271 in Survey No.738/31 to an extent of 40.635 cents, Vilavancode Taluk, Kanyakumari District. Learned counsel for the petitioner also placed the patta for the perusal of this Court and submitted that the petitioner is ready to pay the value of the limestone ie., Rs.5000/-.



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7. It is understood that the complaint has been lodged by the second respondent who is none other than the Village Administrative Officer. Considering the age and gender of the petitioner, this Court finds it necessary that the petitioner should not be made to suffer in the old age. Accordingly, the final report in CC No.205/2024 on the file of the learned Judicial Magistrate Court No.1, Kuzhithurai, is quashed. Therefore, the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the District Legal Services Authority, Kanyakumari. It is made clear that this shall not be a precedent to any other person to claim similar relief and no one shall be permitted to remove minerals from their own patta lands without proper permission.

8. Accordingly, this Criminal Original petition is allowed. Consequently, connected miscellaneous petitions are closed.

23.01.2026

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

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TO

- 1.The Judicial Magistrate Court No.1, Kuzhithurai.
- 2.The Inspector of Police, Arumanai Police Station,
Kanyakumari District. (In Crime No.148/2023).
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI, J

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ORDER
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Date : 23/01/2026