



CRL OP(MD). No.4681 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/03/2026

CORAM

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

CRL OP(MD). No.4681 of 2026
and
Crl.M.P(MD).No.4982 of 2026

Abhinash,

... Petitioner

Vs

1. State of Tamilnadu Rep by
Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
Crime No.986 of 2021.

2. S R Om Prakash,
Inspector of Police,
Pandhanallur Police Station,
Thanjavur District..

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR in Crime No. 986 of 2021 dated 25.12.2021 on the file of the respondent police, Thanjavur district and Quash the same as illegal so far as the petitioner is concerned



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For Petitioner : Mr.Sujeeth G,
For R1 : Mr.B.Thanga Aravidh,
Government Advocate (Crl.Side)

ORDER

The present petition has been filed by the third accused in Crime No. 986 of 2021, on the file of the first respondent police, seeking to quash the FIR, wherein he is alleged to have committed offences under Section 379 of the IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

2. According to the petitioner, the offences are alleged to have taken place on 25.12.2021 and so far, no charge sheet has been laid. He further submitted that insofar as the offences under the Mines and Minerals (Development and Regulation) Act are concerned, the Court can take cognizance only if a complaint is filed by the authorised officer. In the present case, the complaint has been lodged by the Inspector of Police, Pandhanallur Police Station, Thanjavur District. Therefore, according to him, the FIR is liable to be quashed insofar as the petitioner is concerned.



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3. The learned counsel for the petitioner has relied upon the decision of this Court in Crl.O.P.(MD) No.2295 of 2024 dated 16.10.2025, wherein this Court was pleased to quash the FIR for similar offences on the same ground.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the first respondent police submitted that the petitioner's vehicle was involved in the theft of river sand and therefore, the petitioner has been implicated as the third accused. He further submitted that the investigation has been completed and the charge sheet is going to be laid.

5. Heard both sides and perused the materials available in records.

6. It is not in dispute that the petitioner is alleged to have committed offences under Section 379 of the IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. As per the FIR, the offences are alleged to have taken place on 25.12.2021 and so far, charge sheet has not been laid and the complaint has been lodged by the Revenue Officials.



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7. This Court in Crl.O.P.No.2295 of 2024 dated 16.10.2025 in paragraph No.5 has held as follows:

“5.The respondents cannot file a final report for the offences under the Mines Act as the court can take cognizance of this offence only on the complaint of the authorised officer. The other offence is under Section 379 of IPC. The maximum punishment for the offence under Section 379 of IPC is three years. The respondents ought to have filed the final report within a period of three years from the date of the said offence which is said to have been committed on 22.05.2019. As fairly conceded by the learned Government Advocate [Crl. Side], the respondents have no justifiable reason for the delay in filing final report. No other offence has also been made out against the petitioner. Therefore, this Court is of the view that even if the respondent police are now permitted to file a final report for the offences under Section 379 of IPC, it would be barred by limitation. Hence, no useful purpose will be served in keeping the impugned FIR pending. Accordingly, the FIR in Crime No.75 of 2019 is quashed.”



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8. In view of the above order passed by this Court, FIR in Crime No.986 of 2021 is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

17.03.2026

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TO

1. Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
Crime No.986 of 2021.
2. S R Om Prakash,
Inspector of Police,
Pandhanallur Police Station,
Thanjavur District..
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J

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ORDER
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