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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.03.2026

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

CRL.P(MD)No.6260 of 2026
and
CRL.M.P(MD)No.6782 of 2026

Aruldass

... Petitioner/ Accused No.2

.Vs.

1.The State,

represented by

The Inspector of Police,

Dhadikombu Police Station,

Dindigul District.

(Crime No.590 of 2021)

...Ist Respondent/Complainant

2.Sesuraj

Deputy Tahsildar(Mines),

Office of the Geology and Mines,

Dindigul District.

...2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 528 of BNSS,2023, praying this Court to call for the records pertaining to Crime No.590 of 2021, on the file of first respondent Police and quash the same as illegal insofar as the Petitioner is concerned.

1/6



For Petitioners : M/s.H.Jasima Yasmin
for M/s.Ajmal Associates

For Respondent-1 : Mr.B.Thanga Aravindh
Govt. Advocate(Crl.side)

ORDER

The present Petition has been filed by the accused person in Crime No.590 of 2021, on the file of the first respondent-Police seeking to quash the FIR, wherein, the Petitioner is alleged to have committed the offence under Sections 379 IPC and Section 21(1) of Mines and Minerals(Development and Regulation)Act, 1957.

2.A perusal of the FIR reveals that the Petitioner is the owner of the lorry which is said to have been used to illegally committing theft of 0.5 unit of gravel sand.

3.According to the learned counsel for the Petitioner, he was not the owner of the vehicle at any point of time and one Mr.John Peter Rubidhas was the owner of the vehicle. According to him, the said John Peter Rubidhas filed Crl.M.P.No.3158 of 2025 before the Principal Sessions Judge, Dindigul for interim custody of the vehicle and an order was passed on 15.11.2021. The learned



counsel for the petitioner further submits that maximum punishment for the offence under Section 379 IPC is three years and so far charge sheet has not been filed even though the FIR was registered on 10.7.2021.

4.Per contra, the learned Government Advocate(Crl.Side) appearing for the first respondent Police would submit that the Petitioner is the owner of the vehicle and without transferring the vehicle in his name and using it for committing the offence. Therefore RC book stood in the name of Mr.John Peter Rubidhas. As far as the offence under Section 379 IPC is concerned, the maximum punishment is three years and in view of Section 468(2)(c) of Cr.P.C, the charge sheet has to be laid within three years. However, so far charge sheet has not been filed. As far as the offence under Section 21(1) of MMDR Act is concerned, the maximum punishment is five years.

5.Considering the fact that the RC book does not stand in the name of the Petitioner and stands in the name of Mr.John Peter Rubidhas, who had claimed ownership of the property and filed Crl.M.P.No.3158 of 2025 before the Principal Sessions Judge Dindigul for interim custody of the vehicle and obtained an order on 15.11.2021. In such circumstances, permitting the investigation authority to continue with the investigation would only an abuse



of process of Court insofar as the Petitioner is concerned.

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6.In view of the above said facts, FIR in Crime No.590 of 2021, on the file of first respondent-Police as against the Petitioner is quashed and the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

30.03.2026

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(Crime No.590 of 2021)

Copy to

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



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R.VIJAYAKUMAR.,J.

vsn

ORDER MADE IN

CRL.P(MD)No.6260 of 2026
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