



CRL OP(MD), No.7110 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.04.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL OP(MD)No.7110 of 2026

and

Crl.M.P.(MD)Nos.7665 and 7666 of 2026

1. Ravikumar
2. G.Abraham

... Petitioners

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

... Respondent

Petition filed under Section 528 of BNSS, to call for the records relating to the case in Spl.S.C. No. 9 of 2025, on the file of the Principal District Court, Kanyakumari District at Nagercoil and quash the same in respect of the petitioner/accused.

For Petitioners : Mr.H.Velavadhas

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)



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ORDER

The second petitioner is running a quarry at Thottiyodu with a valid licence, issued by the District Collector and the first petitioner is the driver. When the first petitioner has taken rough stones in a lorry bearing Reg.No.TN37 DW 8881, the respondent Police arrested him and registered a case in Crime No.290 of 2024 for the offence under Sections 379 IPC. After the investigation, they have also filed the final report before the Court and the same has been taken on file in Spl.S.C.No.9 of 2025 and now, it is pending before the Principal District Court, Kanyakumari District at Nagercoil. Therefore, the petitioners have filed this petition seeking to quash the proceedings pending against them.

2. The learned counsel for the petitioners submits that the second petitioner is a licensed quarry operator, having a valid licence issued by the District Collector and the Assistant Director of Mines and Geology has also issued a licence for transporting the rough stones from the quarry upto 23.06.2023. However, the vehicle was seized by the respondent Police on 24.06.2023. When it is a licensed quarry, it cannot



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be treated as illegal quarry operation and the registration of the criminal case as against the petitioners 1 and 2 is not proper and therefore, it needs to be quashed.

3. The learned Government Advocate (Crl. Side) submits that at the time of inspection, the Driver is not having any valid permit for transporting the minerals. The permit issued by the competent authority was over on 23.06.2024 and the rough stones have been transported by the petitioners on 24.06.2024 without any valid permit. Therefore, an offence has been made out against them.

4. This Court considered the rival submissions made.

5. The ground raised by the petitioners is that it is a licensed quarry and they have been issued valid permit till 23.06.2024. Whether the petitioners have transported the minerals without any valid permit on the particular day or not, can be decided only during the trial. The ground raised by the petitioners can be appreciated only during the trial.



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6. Therefore, this Criminal Original Petition is dismissed with liberty to the petitioners to raise all the grounds before the trial Court during the trial. However, the personal appearance of the petitioners in Spl.S.C. No. 9 of 2025, on the file of the Principal District Court, Kanyakumari District at Nagercoil, is dispensed with. Consequently, C.M.P.(MD)No.7665 of 2026 is closed.

10.04.2026

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

To

1. The Inspector of Police,
Eranial Police Station,
Kanniyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Principal District Court,
Kanyakumari District at Nagercoil



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B.PUGALENDHI, J.

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