



CRL OP(MD). No.9298 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 08/01/2026

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THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

CRL OP(MD). No.9298 of 2024

and

CRL MP(MD). No.6362 of 2024

Manikandan

... Petitioner

Vs

1. The Inspector of Police,
Pazhavor Police Station
Tirunelveli District.
Crime No.121/2024.

2. Balakrishanan,
Deputy Thasildar,
Radhapuram,
Tirunelveli District.

... Respondents

PRAYER :-

To call for the records pertains to FIR in Crime No.121/2024 dt. 09.05.2024 pending on the file of the 1st respondent police and quash the same in respect of the petitioner alone.

For Petitioner : M/s.Sudalaiyandi.K,
Advocate.

For Respondents : Mr.B.Thanga Aravindh for R1
Government Advocate (Crl.Side)

No appearance for R2



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ORDER

This Criminal Original Petition is filed to call for the records pertains to FIR in Crime No.121/2024 dated 09.05.2024 pending on the file of the 1st respondent police and quash the same in respect of the petitioner alone.

2. The learned counsel for the petitioner submitted that on the complaint given by the Deputy Tahsildar / second respondent, the First Information Report in Crime No.121 of 2024 came to be registered for the offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3. The case of the prosecution is that on 07.05.2024 at about 9:30 p.m., when the defacto complainant was on a routine check up, he found that the Taurus lorry bearing registration number TN 47 AT 0942 which was driven by the petitioner and another lorry bearing registration number TN61 K 1795 which was driven by one Suresh were found transporting Jally stones without any valid permit. However, when the defacto complainant asked the petitioner who was the driver to bring the



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lorries to Pazhavur Police station, he had parked the vehicle in a dark place of Kashmir to Kanyakumari road and ran away. The said lorry was taken to Palavur police station by the de facto complainant by engaging another driver. On the way, the same lorry met with an accident.

4. Learned counsel for the petitioner categorically contended that for the offences under the Mines and Minerals (Development and Regulation) Act, 1957 Act, the respondent police has no jurisdiction to register a case under the Act. Having registered a case for the offences under Section 379 IPC and the offences under the MMDR Act, the same cannot co-exist and an Inspector of Police has to file a private complaint before the jurisdictional Magistrate. On that premise, he sort for quashment of the FIR.

5. Per contra, learned Government Advocate(Crl.side) submitted that the case is only at the stage of First Information Report. There is no bar for the police to register first information report. However, after investigation, proper steps would be taken to deal with the matter in accordance with the procedures mandated under Mines and Minerals



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(Development and Regulation) Act, 1957, as the investigating officer has every authority to alter the offence and file a final report before the jurisdictional Magistrate. That apart, he pointed out that the permit which is produced before this Court by the petitioner would clearly make it clear that the validity of the permit is only up to 10 a.m., on 07.05.2024, however, the petitioner was intercepted at 9:30 p.m., on 07.05.2024 ie., after expiry of the said permit and therefore, he sought for dismissal of this Criminal Original Petition.

6. Heard either side and perused the materials available on record.

7. It is needless to state that the permit was valid only up to 10 a.m., on 07.05.2024. By considering the submission made by the Learned Government Advocate that only a first information Report has been registered, this Court directs the respondent police to proceed with the investigation as per the provisions mandated under the Mines and Minerals (Development and Regulation) Act, 1957, Act and file a final report.



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8. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition stands closed.

08.01.2026

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

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To

1. The Inspector of Police, Pazhavor Police Station
Tirunelveli District. Crime No.121/2024.

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



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L.VICTORIA GOWRI, J

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ORDER
IN
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