



CrI.OP(MD)No.21640 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P.(MD).No.21640 of 2025

and

CrI.MP(MD)No.18632 of 2025

Devanandh

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep . by The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
(Crime No.122/2025)

2. Rajavel

... 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.122/2025 on the file of 1st respondent police and quash the same.

For Petitioner : Mr.Sricharan Rengarajan,

For Mr.S.Ram Sundarvijayraj

For R-1 : Mr.B.Thanga Aravindh
Government Advocate (CrI.Side)



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ORDER

This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashment of the FIR in Crime No.122 of 2025 on the file of the first respondent police, registered for the alleged offences under Section 303(2) of BNS, Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

Case of the prosecution:

2.The case of the prosecution, as gathered from the FIR and the counter affidavit, is that the second respondent, who is the Village Administrative Officer, lodged a complaint stating that on 23.05.2025, pursuant to the directions of the Sub-Collector, Periyakulam, a survey was conducted by the Revenue Surveyor in respect of a CDR quarry.

3.Based on the survey report dated 02.06.2025, it was alleged that the petitioner, who is the owner of the quarry, had illegally



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quarried minerals from Survey No.934 measuring an extent of 0.30 hectares, which is classified as Government poramboke land and situated adjacent to the permitted survey fields.

4.On the basis of the said complaint dated 09.06.2025, the first respondent police registered the impugned FIR in Crime No.122 of 2025 for the aforesaid offences. During the course of investigation, certain vehicles alleged to have been used for quarrying were seized and one of the co-accused was arrested.

Grounds for quash:

5.The petitioner has sought quashment of the FIR mainly on the following grounds:

5.1.The petitioner is a licensed quarry operator and has been carrying on quarrying activities in accordance with law.

5.2.The allegations in the FIR are vague, devoid of material particulars and based on mere assumptions.

5.3.Even assuming there was any deviation, the competent authority under the MMDR Act ought to have initiated proceedings and not the police.



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5.4.The registration of FIR without preliminary verification of licence conditions amounts to non-application of mind. The continuation of proceedings amounts to abuse of process of law.

Arguments of the petitioner:

6.The learned counsel for the petitioner submitted that the petitioner is a lawful licensee and is carrying on quarry operations within the permitted survey numbers. He would further submit that subsequent to the registration of the FIR, the petitioner approached the District Collector seeking a proper survey, pursuant to which the Assistant Director, Geology and Mining Department, Theni, conducted an inspection.

7.The said authority, in its report supported by satellite imagery, has categorically stated that: (i) No illegal quarrying was carried out by the petitioner in Survey No.934; and (ii) The landslide in the said survey number was caused by earlier quarrying operations conducted in the year 2016 by third parties.



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8.The learned counsel would therefore submit that the substratum of the prosecution case stands demolished and continuation of the proceedings would be a sheer abuse of process of law.

Arguments of the Respondent Police:

9.The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the FIR was registered based on the complaint of the Village Administrative Officer and the survey report indicating illegal quarrying in Government land. It was further submitted that the investigation is being conducted in accordance with law and there is no *mala fide* intention on the part of the police.

10.However, it is fairly conceded in paragraph No.9 of the counter affidavit that the subsequent report of the Assistant Director, Geology and Mining Department indicates that the landslide in Survey No.934 was not caused by the petitioner but by earlier quarrying activities carried out in the year 2016.



Point for consideration:

10.The point that arises for consideration is:

Whether the continuation of the criminal proceedings against the petitioner in Crime No.122 of 2025 would amount to an abuse of process of law, warranting interference under Section 528 of BNSS?

Analysis:

11.This Court has carefully considered the rival submissions and perused the materials available on record. At the outset, it is to be noted that the entire case of the prosecution hinges upon the allegation that the petitioner had illegally quarried minerals from Government poramboke land in Survey No.934.

12.However, a crucial development emerges from the counter affidavit filed by the respondent police themselves. In paragraph No.9 of the counter affidavit, it has been unequivocally stated that: (i) The landslide in Survey No.934 was caused by quarrying activities undertaken in the year 2016 by third parties; and (ii) The petitioner, who is the present licensee, is not responsible for the same. This admission strikes at the very root of the prosecution case.



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13.Once the competent authority, namely the Assistant Director of Geology and Mining Department, upon inspection and technical evaluation supported by satellite imagery, has concluded that the petitioner is not responsible for the alleged act, the continuation of criminal proceedings against the petitioner becomes wholly unsustainable.

14.It is well settled that where the uncontroverted allegations and materials collected do not disclose the commission of any offence, the High Court would be justified in exercising its inherent powers to quash the proceedings.

15. In the present case, even taking the prosecution case at its face value, in the light of the subsequent authoritative report, no *prima facie* case is made out against the petitioner. The continuation of investigation, despite such categorical findings, would amount to harassment and abuse of the process of law. In view of the foregoing discussion, this Court is of the considered opinion that the impugned FIR cannot be allowed to stand as against the petitioner.



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16. Accordingly, this Criminal Original Petition is allowed. The FIR in Crime No.122 of 2025 on the file of the first respondent police is quashed insofar as the petitioner is concerned. Consequently, connected miscellaneous petition is closed.

10.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

Note: Issue order copy on 26.03.2026.

To

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



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L.VICTORIA GOWRI, J.

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