



Crl.OP(MD)No.22218 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.22218 of 2025

and

Crl.M.P.(MD)No.19150 of 2025

1. P.Alagappan

2. R.Ramachandran

... Petitioners

Vs.

State of Tamilnadu,
Reb by. The Inspector of Police,
Kottaipattinam Police Station,
Pudukottai District.
(Crime no.80/2022)

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to FIR in Crime no.80 of 2022 on the file of the Respondent and quash the same.

For Petitioner : Mr.V.Sukumar

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor



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ORDER

Preface:

The inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973) is intended to prevent abuse of the process of law and to secure the ends of justice. This extraordinary jurisdiction, though to be exercised sparingly, is nevertheless duty-bound to be invoked where the continuation of criminal proceedings would amount to oppression, illegality, or manifest injustice.

2. The present Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.80 of 2022 registered on the file of the respondent police for the alleged offences under Section 379 of the Indian Penal Code and Sections 21(1) and 21(2) of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as “MMDR Act”), corresponding to Section 304 of the Bharatiya Nyaya Sanhita.



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Facts and case of the prosecution:

3. The prosecution case, as reflected from the FIR, is that on 22.08.2022 at about 16.30 hours, the *defacto* complainant, who was conducting vehicle inspections at Kottaipattinam Checkpost, Pudukottai District, intercepted a vehicle bearing Registration No. TN 46 J 9969. It is alleged that upon inspection, the said vehicle was found transporting river sand measuring about three units, purportedly without a valid transport permit. On the said allegation, the vehicle was seized and an FIR was registered at about 18.30 hours on the same day.

4. Based on the said allegations, the respondent police registered the FIR in Crime No.80 of 2022 for offences under Section 379 IPC and Sections 21(1) and 21(2) of the MMDR Act against the petitioners and others, arraying the petitioners as accused.

Case of the petitioners:

5. The petitioners categorically deny the allegations contained in the FIR. It is the specific case of the petitioners that the vehicle in question was transporting river sand pursuant to a valid transport



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permit dated 22.08.2022 bearing Registration No.5178441, issued by the Department of Geology and Mining, Chennai.

6. According to the petitioners, the transport permit was valid for the entire day on 22.08.2022 and was in force at the time of inspection. Therefore, the foundational allegation that the vehicle was transporting sand without a valid permit is factually incorrect. The petitioners further submit that the first petitioner is only the driver of the vehicle and the second petitioner is neither the owner nor in control of the vehicle. Despite the same, the second petitioner has been arrayed as an accused without any legal basis or material. It is contended that the registration of the FIR is arbitrary, malicious, and actuated by non-application of mind, warranting interference by this Court at the threshold.

Grounds for quash:

7. The petitioners have assailed the impugned FIR, *inter alia*, on the following grounds:

That the petitioners were in possession of a valid transport permit issued by the competent authority under the MMDR Act,



which was deliberately ignored by the respondent authorities. That the respondent police falsely projected the second petitioner as the owner of the vehicle, despite there being no such ownership or involvement. That there is no *prima facie* material to attract the offences alleged, even if the FIR is taken at face value. That under Section 22 of the MMDR Act, there is a statutory bar on taking cognizance of offences under the Act except upon a complaint in writing by an authorised officer, and therefore the registration of FIR by the police is without jurisdiction. That the impugned FIR is false, vexatious, and frivolous, lodged with mala fide intention. That this Court, on earlier occasions, in ***Rajamani v. Superintendent of Police*¹** and ***Kannan v. Inspector of Police*²**, has quashed similar FIRs under identical circumstances.

Submissions:

8. The learned counsel for the petitioners reiterated the grounds raised in the petition and submitted that the very initiation of proceedings under the MMDR Act by the police is contrary to the statutory scheme. It was further submitted that the existence of a

¹ CrI.O.P.(MD) No.3294 of 2024

² CrI.O.P.(MD) No.20043 of 2024



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valid transport permit completely demolishes the substratum of the prosecution case. The learned counsel also contended that continuation of the criminal proceedings would amount to abuse of process of law and that the petitioners are being unnecessarily subjected to criminal prosecution despite having acted within the framework of law.

9. Per contra, learned Additional Public Prosecutor appearing for the respondent police submitted that the vehicle was found transporting river sand and that the allegations require investigation. It was contended that the FIR is only at a nascent stage and that the petitioners can establish their defence during investigation or trial.

Point for consideration:

10. The point that arises for consideration is whether the continuation of proceedings in FIR in Crime No.80 of 2022 against the petitioners would amount to abuse of process of law and whether the same is liable to be quashed in exercise of inherent jurisdiction of this Court?



Analysis:

11. This Court has carefully considered the rival submissions and perused the materials available on record.

12. At the outset, it is to be noted that the FIR itself alleges transportation of river sand without a valid permit. However, the petitioners have produced a transport permit dated 22.08.2022 issued by the Department of Geology and Mining, which was valid on the date of alleged occurrence. The existence of such a permit strikes at the very root of the prosecution case.

13. Further, Section 22 of the MMDR Act creates a clear statutory bar, stipulating that no Court shall take cognizance of any offence punishable under the Act except upon a complaint in writing made by an authorised officer. The registration of an FIR by the police for offences under Sections 21(1) and 21(2) of the MMDR Act is, therefore, patently without jurisdiction.

14. The Hon'ble Supreme Court and this Court have consistently held that while the police may seize vehicles and inform



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the competent authority, prosecution under the MMDR Act can be initiated only in the manner prescribed under Section 22 of the Act.

15. As regards the offence under Section 379 IPC, when the transportation is pursuant to a valid permit, the essential ingredients of theft are conspicuously absent. A mere bald allegation, without foundational facts, cannot be permitted to sustain criminal prosecution. The arraying of the second petitioner as an accused, despite the admitted position that he is neither the owner nor the driver of the vehicle, further reflects non-application of mind and arbitrary exercise of power.

16. This Court also takes note of the fact that in similar circumstances, coordinate Benches of this Court have quashed FIRs in **Rajamani's case** and **Kannan's case**, cited supra, holding that continuation of such proceedings would amount to abuse of process. In view of the above, this Court is of the considered opinion that permitting the impugned FIR to proceed would result in unnecessary harassment of the petitioners and would defeat the very purpose of the inherent jurisdiction of this Court.



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17. The criminal law is a potent instrument, meant to protect societal interest and enforce legal discipline. It cannot be permitted to be invoked mechanically or in disregard of statutory safeguards. Courts are under a constitutional obligation to ensure that the process of law does not itself become a means of injustice.

18. Accordingly, this Criminal Original Petition is allowed, and the FIR in Crime No.80 of 2022 on the file of the respondent police is quashed in respect of the petitioners. Consequently, the connected Criminal Miscellaneous Petition stands closed.

02.01.2026

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

To

- 1.The Inspector of Police,
Kottaiappattinam Police Station,
Pudukottai 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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