



CRL OP(MD). No.465 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.465 of 2026

and

CRL MP(MD). No.495 of 2026

1. Muthusaravanan,

2. Rajarathinam,

3. Rajeshwari

... Petitioners

Vs

1. The State of Tamilnadu, Rep.,
By its the Inspector of Police,,
Vellichanthai Police Station,
Kanyakumari District.
(Crime No. 188 of 2024).

2. The Assistant Engineer, Water Resources Department,
Thuckalay,,
Irrigation (Special) Section,
Kanyakumari District.

... Respondents

PRAYER :-

To call for the records pertaining to the case in Crime No. 188 of 2024 on the file of the 1st respondent, Vellichanthai Police Station, Kanyakumari District and Quash the same.

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For Petitioner : Mr. K.P. Krishna Doss,
Advocate.

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

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the case in Crime No. 188 of 2024 on the file of the 1st respondent, Vellichanthai Police Station, Kanyakumari District and quash the same.

2. Learned counsel for the petitioner submitted that the respondent police has registered as a case under Section 379, 427 of IPC and Section 3 of TNPPDL Act 1992, as against the petitioners/ Accused Nos. 1 to 3, on the complaint made by the Assistant Engineer, Water Resources Department, Irrigation Section, Thuckalay. The learned counsel for the petitioner submitted that they have dugged sand from the said water body tank named Prayarai Kulam, situated in Survey No. 134/11 of Vembanoor Revenue Village, Agastheeswaram Taluk, Kanyakumari District, on obtaining permission to lift 213 units of sand. However, on the complaint of the Assistant Engineer that the petitioners



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have damaged the bund and sluice of the said tank, this FIR came to be registered as against the petitioner. They have not committed any damage to the sluice of the said tank. However, they have acted in terms of the permission obtained by them and had lifted only 113 units of sand and sought for quashment.

3. Per Contra, Mr. Thanga Aravindh, the learned Government Advocate, would draw the attention of this Court to the contents of the First information report where it is clearly stated that the petitioners have severely damaged the tank.

4. Though the learned counsel for the petitioner tried to convince this Court by relying upon certain photographs, the same as objected by the learned Government Advocate that the nature of damage caused by the petitioners cannot be ascertained from photographs and it is a matter to be ascertained before the learned trial court.

5. However, the learned counsel for the petitioner submitted that for the alleged offence which had happened on 16.06.2024, a first information report came to be registered after a lapse of 18 months.



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6. Learned Government Advocate submitted that a first information report was filed only on the intervention of this Court by considering the order passed in W.P.(MD)No.16961 of 2023, the said first information report came to be registered.

7. Heard both sides and perused the materials available on record.

8. It has become clear that the respondent police had registered the impugned FIR only on the direction of this court in W.P.(MD)No.16961 of 2023. In view of the same, this Court is not inclined to interfere with the case registered against the petitioners.

9. With the above observation, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition stands closed.

09.01.2026

NCC : yes / no
Index :yes / no
Internet : yes / no
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1. The Inspector of Police, Vellichanthai Police Station,
Kanyakumari District.(Crime No. 188 of 2024).
2. The Assistant Engineer, Water Resources Department,
Thuckalay, Irrigation (Special) Section,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI, J

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ORDER
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