

Crl.O.P.(MD).No.6265 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.6265 of 2026

and

Crl.M.P(MD) No.6790 of 2026

Asaithambi

... Petitioner/Sole Accused

Vs

1. The State of Tamil Nadu,
Represented by the Inspector of Police,
Palamedu Police Station,
Madurai District.
(Crime No.21 of 2025)

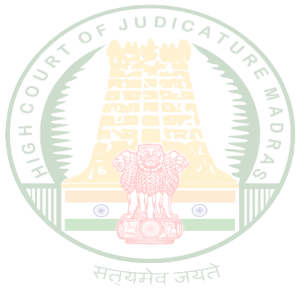
... 1st Respondent/
Complainant

2. Deivendran
Village Administrative Officer,
62, Manickampatti Village,
Vadipatti Taluk,
Madurai District.

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, praying this Court to call for the records pertaining to the impugned First Information Report in Crime No.21 of 2025 on the file of the first respondent police station and quash the same as illegal.

For Petitioner : Mr.R.Karunanidhi



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For R1

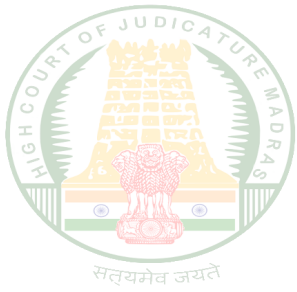
: Mr.P.Samuel Gunasingh
Counsel for State of TN (Crl.Side)

ORDER

The present Criminal Original Petition has been filed by the sole accused in Crime No.21 of 2025, on the file of the first respondent police seeking to quash the FIR, wherein the petitioner is alleged to have committed offence under Section 303(2) of BNS, 2023, r/w Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957.

2. A perusal of the FIR reveals that the petitioner was transporting fencing stones in his Tractor and the transit pass was granted to carry fencing stone from Melur to Alanganallur. However, the vehicle was intercepted at Palamedu, which was not in route to Alanganallur.

3. According to the learned counsel appearing for the petitioner, Section 303 (2) of BNS, 2023 or Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957, would not get attracted, even assuming that the route mentioned in the transit pass has been violated.

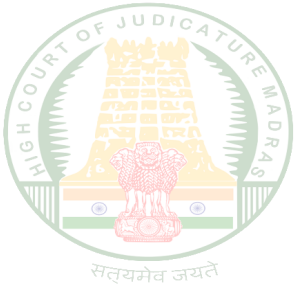


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4. Per contra, the learned Counsel for State of TN(Crl.Side) appearing for the first respondent submitted that the violation of the route mentioned in the transit pass would also attract Section 303 (2) of BNS, 2023 and Section 21(5) of Mines and Minerals (Development and Regulation) Act.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6. A perusal of the FIR clearly reveals that the petitioner was transporting fencing stones in his tractor, which is accompanied by a transit pass. The only allegation in the FIR is that the transit pass has been granted for carrying fencing stone from Melur to Alanganallur. However, the Tractor was found at Manikampatti which is not in route to Alanganallur from Melur. Therefore, it is clear that the petitioner is having a valid transit pass and he was transporting fencing stones through a different route. Hence, it is clear that there is only violation of the transit pass and there is no theft of fencing stones or any minerals belonging to the government.



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7. In such circumstances, invoking Section 303 (2) of BNS, 2023 or Section 21 (5) of Mines and Minerals (Development and Regulation) Act, 1957 would not be legally sustainable.

8. In view of the above said facts, the continuation of criminal proceedings as against the petitioner would be an abuse of process of law and the FIR in Crime No. 21 of 2025 on the file of the first respondent police is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently connected Miscellaneous Petition is closed.

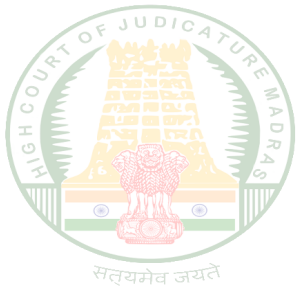
02.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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

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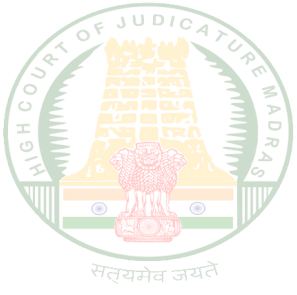
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R.VIJAYAKUMAR,J.

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VERDICTUM.IN



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