

Crl.O.P.(MD) No.16093 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	14.10.2025
Pronounced on	17.10.2025

CORAM

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD) No.16093 of 2025**

and

**Crl.M.P.(MD) No.13127 of 2025**

S.Jegan

... Petitioner

Vs.

The State of Tamilnadu rep. by  
The Inspector of Police,  
Aralvoimozhi Police Station,  
Kanyakumari District.  
Crime No.585 of 2025

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya  
Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the  
FIR in Crime No.585 of 2025, on the file of the respondent police, dated  
08.08.2025 and quash the same as illegal as against the petitioner.

For Petitioner : Mr.P.Sujai Krishna

For Respondent : Mr.K.Sanjai Gandhi  
Government Advocate (Crl. Side)

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Crl.O.P.(MD) No.16093 of 2025

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## **ORDER**

The Criminal Original Petition has been filed seeking to quash the impugned FIR in Crime No.585 of 2025 on the file of the respondent police, dated 08.08.2025, registered for the offence punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The allegation in the FIR is that during a routine vehicle check-up, a vehicle, namely a Taurus lorry bearing Registration No.TN-72-CB-7713, was intercepted by the respondent police; that when the permit was demanded by the respondent police, the driver of the said vehicle confessed that, at the instigation of the petitioner, who is the owner of the vehicle, he had removed four units of rough stones without a permit; and that, therefore, the petitioner and the driver of the vehicle are liable for the aforesaid offences.

3. The learned counsel for the petitioner would submit that the FIR is bereft of necessary particulars as to from where the rough stones were stolen and what is the value of the stolen rough stones; that the value of the rough stones ought to have been mentioned in the FIR, as the offence

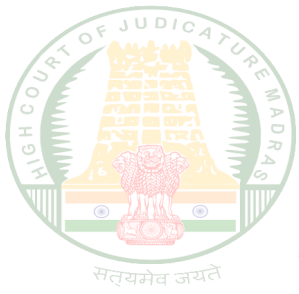


Crl.O.P.(MD) No.16093 of 2025

WEB COPY

would be non-cognizable if the value of the stolen property is less than Rs.5,000/- and the respondent would have no jurisdiction to register the FIR without the permission of the concerned learned Judicial Magistrate; that the rough stones were removed from the premises of one 'MARS MINING', which is a quarrying company; that they were carrying on mining activity in their patta land under a valid licence, which is in force till 01.02.2029; that the petitioner had a valid permit to transport gravel sand; that the transportation of rough stones would, at best, be a violation of the conditions of the transport permit; and that, therefore, the impugned FIR alleging theft is an abuse of process of law.

4. The learned Government Advocate (Criminal Side) for the respondent, per contra, would submit that the FIR would suggest that the petitioner is the owner of the lorry; that the driver of the lorry had confessed that the rough stones were transported without a valid permit and, therefore, the offence of theft is made out; that the investigation cannot be curtailed at this stage; and that this petition seeking quashment of the FIR is liable to be dismissed.



Crl.O.P.(MD) No.16093 of 2025

WEB COPY

5. The petitioner has produced a permit in which the registration number of the petitioner's vehicle has been mentioned. The said permit was issued for transporting gravel sand from the premises of 'MARS MINING'. The permit is stated to have been granted on 08.08.2025. Therefore, it is not in dispute that there was a valid permit for the transport of gravel sand. However, it is the case of the respondent that the accused was found transporting rough stones. The offence of theft would be made out only if it is shown that the property has been removed dishonestly from the possession of another. The FIR is silent as to where from the rough stones were taken. Hence, even if the transportation of rough stones was in violation of the transport permit, the petitioner cannot be held liable for the offence of theft.

6. As stated earlier, the value of the rough stones has not been mentioned in the FIR. The Schedule to the Bharatiya Nyaya Sanhita, 2023, makes it clear that if the value of the stolen property is less than Rs.5,000/-, the offence would be non-cognizable. Therefore, in all cases registered under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023, the police are bound to mention the value of the stolen property. If the value of the stolen property is not mentioned, the First Information Report



Crl.O.P.(MD) No.16093 of 2025

and the investigation would be vitiated, if it is without the permission of the learned Judicial Magistrate. In this case, admittedly, no such permission to investigate was obtained.

7. Therefore, for all the aforesaid reasons, this Court is inclined to quash the impugned FIR. Accordingly, the FIR stands quashed. This Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

17.10.2025

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non Speaking Order

Copy To:

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



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Crl.O.P.(MD) No.16093 of 2025

**SUNDER MOHAN, J.**

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Pre-Delivery Order made  
in  
Crl.O.P.(MD) No.16093 of 2025

17.10.2025