



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-08-2026

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

**CRL RC Nos. 468 of 2025 , 436 of 2024, 386 of 2024 and 550 of 2025
and**

CRL MP Nos. 3500 of 2024, 4226 OF 2024, 5574 and 8081 2025

CRL.R.C.No.468 of 2025

C.Rajamani

..Petitioner

Vs

The State Represented by,
The Deputy Superintendent Of Police,
District Crime Branch,
Krishnagiri District.
(crime No.166/2012 - Uthanapalli, P.S.)

..Respondent

Prayer :

Criminal Revision Petition filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to call for the records in Crl.M.P.No.2240/2019 in S.C No.124/2019 on the file of the Principal Sessions Judge at Krishnagiri and set aside the order in Crl.M.P.No.2240/2019 dated 30.01.2024.

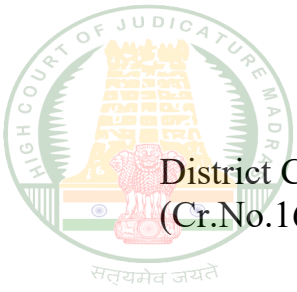
CRL RC No. 436 of 2024

C.Rajamani

..Petitioner

Vs

State Rep.By
The Deputy Superintendent of Police,



District Crime Branch, Krishnagiri District.
(Cr.No.165/2012)

..Respondent

WEB COPY

Prayer:

Criminal Revision Petition filed under Section 397 r/w 401 of code of Criminal Procedure, praying to call for the records in Crl.M.P.No.2241 of 2019 in SC.No.125 of 2019 on the file of the Principal Sessions Judge at Krishnagiri and set aside the order in Crl.M.P.NO.2241 of 2019 order dated 30.01.2024.

CRL RC No. 386 of 2024

C.Rajamani

..Petitioner

Vs

State Through
The Deputy Superintendent of Police, District
Crime Branch, Krishnagiri District.
(Cr.No.176 of 2012, Uthanapalli Police Station)

..Respondent

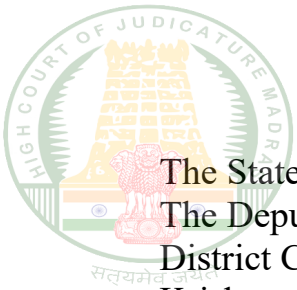
Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., praying to call for the records in Crl.M.P.No.2365 of 2019 in S.C.No.123 of 2019 on the file of the Principal Sessions Judge at Krishnagiri and set aside the order in Crl.M.P.No.2365 of 2019 dated 30.01.2024.

CRL RC No. 550 of 2025

C.Rajamani

..Petitioner

Vs



The State Rep by,
The Deputy Superintendent of Police,
District Crime Branch,
Krishnagiri District.
(Cr.NO.261/2012, Denkanikottai P.S.)

..Respondent

Criminal Revision Petition filed under Section 438 r/w 442 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS), praying to call for the records in
Crl.M.P.No.2242 of 2019 in SC.No.126 of 2019 on the file of the Principal
Sessions Judge at Krishnagiri and set aside the order in Crl.M.P.No.2242 of
2019 order dated 30.01.2024.

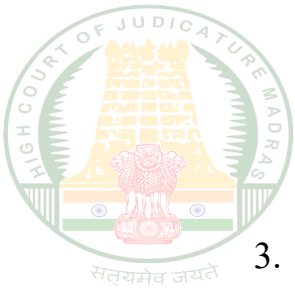
For Petitioner(s): Mr.A.Ashwinkumar
(in all CRL.R.C.'s_

For Respondent(s): Mr.Arun Anbumani
(in all CRL.R.C.'s) Additional Public Prosecutor

Common Order

Crl.R.C.No.468 of 2025 has been filed challenging the order dated
30.01.2024, on the file of the Principal Sessions Judge at Krishnagiri and to set
aside the same,

2. Crl.R.C.No.436 of 2025 has been filed challenging the order dated
30.01.2024 made in Crl.M.P.No.2241 of 2019 in SC.No.125 of 2019 on the file
of the Principal Sessions Judge at Krishnagiri and to set aside the same.



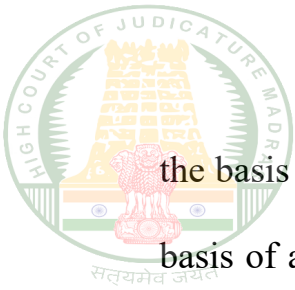
3. Crl.R.C.No.386 of 2024 has been filed challenging the order dated 30.01.2024 made in Crl.M.P.No.2365 of 2019 in S.C.No.123 of 2019 on the file of the Principal Sessions Judge at Krishnagiri and to set aside the same.

4. Crl.R.C.No.550 of 2025 has been filed challenging the order dated 30.01.2024 made in Crl.M.P.No.2242 of 2019 in SC.No.126 of 2019 on the file of the Principal Sessions Judge at Krishnagiri and to set aside the same.

5. Crl.R.C.Nos. 468/2025, 436/2024 and 386/2024 were clubbed by my illustrious predecessor by an order dated 10.08.2026. He did so because the point involved in all the cases are one and the same. Since the points involved in Crl.R.C.No.550 of 2025 is also one and the same, the said Revision is taken up along with the aforesaid Crl.R.C.'s and a common order is passed.

6. The petitioner is an accused in all the cases. The police filed a final report that the accused had committed offence under Section 379 of the I.P.C., interalia r/w Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 (in short 'MMDR' Act)

7. It is the plea of Mr.Aswin Kumar, that by virtue of Section 22 of the MMDR Act, the learned Magistrate cannot take cognizance of the offence on



the basis of a final report. Cognizance under the MMDR Act can be only on the basis of a private complaint that has to be filed before the Special Court by the authorised authority.

8. Per contra, Mr.Arun Anbumani, by placing reliance upon the following judgments, urges that the learned Magistrate can continue to proceed for the offence under Section 379 and the accused need not be discharged of the offences in entirety in the light of Section 22 of MMDR Act. The judgments relied upon are:

- (i) Sengol and Others Vs. State rep. by the Inspector of Police & Others (2012 (2) CTC 369).
- (ii) Pradeep S.Wodeyar Vs. State of Karnataka (2021 (19) SCC 62).
- (iii) Annadurai Vs. Inspector of Police (2024 (1) CTC 776)
- (iv) Selvaraj @ Veppadai Selvaraj Vs. The Inspector of Police and others (Crl.O.P.(MD) Nos.4333/2024 etc. batch dated 03.02.2025).

9. I have carefully considered the submissions of both sides and have gone through the records.

10. The submission of the learned counsel for the petitioner is well founded. Under Section 22 of the MMDR Act, the Court cannot take cognizance of any offence under that Act, unless and until it is on the basis of a



private complaint and that private complaint should be filed by an authorised authority.

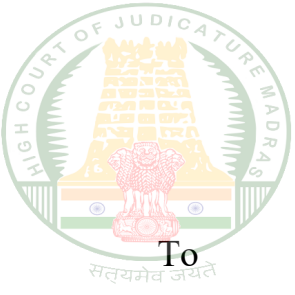
WEB COPY

11. It is not is in dispute that the learned Magistrate had taken cognizance of offences both under Section 379 of I.P.C. as well as under Section 21 of the MMDR Act. When Section 22 stares at the face of the court, cognizance taken against the petitioner for offences under the MMDR Act cannot be sustained. Therefore, the petitioner is discharged insofar as Section 21 of the MMDR Act is concerned. The final report is sustained insofar as offence under Section 379 of I.P.C. is concerned. As held by the Division Bench of this Court in Sengol and others Vs. State rep. By the Inspector of Police and others reported in (2012 (2) CTC 369), the Police have been authorised by the Government to lodge a private complaint under Section 21. In case they so desire, in this case too, they can file a private complaint before the Special Court invoking Section 21.

These Criminal Revisions are partly allowed on the above terms.
Consequently connected Miscellaneous Petitions are closed.

17-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
arr

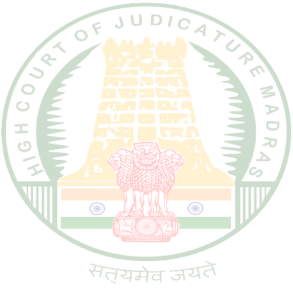


To

WEB COPY

1. The Superintendent Of Police,
District Crime Branch,
Krishnagiri District.

2.The Deputy Superintendent of Police,
District Crime Branch, Krishnagiri District.



WEB COPY

Crl.R.C.Nos.468 of 2025 , 436 of 2
386 of 2024 and 550 of 2



V.LAKSHMINARAYANAN J.

arr

**CRL RC Nos. 468 of 2025 , 436 of 2024, 386 of 2024
and 550 of 2025
and
CRL MP Nos. 3500 of 2024, 4226 of 2024,
5574 and 8081 2025**

17.08.2026



WEB COPY

CrI.R.C.Nos.468 of 2025 , 436 of 2
386 of 2024 and 550 of :

