



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 9th OF APRIL, 2025

MISC. CRIMINAL CASE No. 7146 of 2023

RAJVEER KHANGAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Sankalp Sharma – Advocate for applicant.

Shri APS Tomar- Public Prosecutor for respondent/State.

ORDER

This application, under Section 482 of Cr.P.C. has been filed for quashment of FIR in Crime No.11/2023 registered at Police Station Porsa, District Morena (M.P.) for the offence punishable under Section 379 of IPC, under Section 21(1) of Mines And Minerals (Development And Regulation) Act, 1957 and under Rule 18(1) of M.P. Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2006 and consequential proceedings.

2. The facts, necessary for disposal of present application in short, are that on 07.01.2023 while Police was on regular patrolling, received an information that one truck bearing Registration No.MP33-H-0932 is standing near Sadhu Singh Triangle which is loaded with illegally excavated flagstone. Accordingly, when the Police reached the spot then they noticed one truck bearing Registration



No.MP33-H-0932. The driver of the truck after noticing the police party tried to run away after leaving the truck. With the help of police party, the driver was apprehended who disclosed his name as Rajveer Khangaar. The truck was loaded with flagstone. The driver of the truck informed that he does not have the royalty and TP etc. with him and also informed that documents of truck are in his house. Since driver of the truck could not produce the documents pertaining to transportation of flagstone, therefore, offence was registered under Section 379 of IPC and under Section 21(1) of Mines And Minerals (Development And Regulation) Act, 1957 and under Rule 18(1) of M.P. Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2006.

3. Challenging the FIR lodged by the Police, it is submitted by counsel for applicant that in fact driver of the truck after parking it on the road had gone to his house. The documents pertaining to the transportation of flagstone were with the driver. He was called from his house and the documents were shown. In spite of that false FIR has been lodged. To buttress his contention, counsel for applicant has also relied upon an Electronic Transit Pass (eTP).

4. Heard learned counsel for applicant.

5. The vehicle in question was seized by the Police on 07.01.2023 at 10:15 am whereas Electronic Transit Pass (eTP) which has been relied upon by applicant was valid up to 07.01.2023 (04:30 am). Thus, it is clear that Electronic Transit Pass (eTP) which has been relied upon by applicant had already lost its life and therefore, it is clear that applicant was transporting illegally excavated flagstone. Furthermore, whenever a mineral is transported, then driver is under obligation to keep all the documents with him so that the verification can be done at the toll booths. The driver of the illegally excavated mineral was not having Electronic Transit Pass (eTP) with him. In spite of that he successfully crossed all the toll booths which might have fallen on his way to Porsa, District Morena (M.P.) that



speaks in volume about the illegal transportation of mineral.

6. Be that whatever it may be.

7. Since Electronic Transit Pass (eTP) was valid from 07:12 pm (06.01.2023) upto 04:30 am (07.01.2023) and the truck was found at 10:15 on 07.01.2023 and the destination of the truck was Bhind, it is clear that driver of the truck (applicant) was not having any valid document to transport illegally excavated mineral.

8. Furthermore, the defence of applicant that after parking his truck in Porsa, District Morena, he had gone to his house is false. As per the cause title, applicant is the resident of village Dholagarh, District Shivpuri which is approximately 172 kms. away from Porsa, District Morena where the truck was found.

9. Accordingly, no case is made out warranting interference. Application fails and is hereby *dismissed*.

(G.S. Ahluwalia)
Judge