



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.16213 of 2018

and

CrI.M.P.(MD)No.7186 of 2018

1.D.S.P.S.Kanaga Rai

2.Neel Rai

...Petitioners/Accused

Vs

The State represented by its,
Forest Range Officer,
Alagiapandiapuram Range,
Alagiapandiapuram,
Kanniyakumari District.
Forest Crime No.11 of 2018

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records in Forest Crime No.11 of 2018 on the file of the respondent and quash the same.

For Petitioners: Mr.T.A.Ebenezer

For Respondent : Mrs.S.Bharathi

Government Advocate (CrI.side)

O R D E R

This petition has been filed to quash the Forest Crime No.11 of 2018 registered by the respondent.

2.It is seen from the records that the respondent has filed a report before the learned Judicial Magistrate, who is in charge of the forest cases at Nagercoil. The Judicial Magistrate is yet to take cognizance of the complaint given by the respondent.

3.The learned counsel for the petitioners would submit that the respondent based on the report, attempted to arrest the petitioners. Therefore, the petitioners have approached this Court and also obtained anticipatory bail.

4.The concerned Magistrate is yet to take cognizance of the complaint / report filed by the respondent. Even before taking cognizance, the present petition has been filed.



5. In the considered view of this Court, this petition is premature. The petitioners will get a cause of action to challenge the report of the respondent only when the concerned Magistrate takes cognizance and issue summons to the petitioners.

6. In view of the same, this criminal original petition is closed giving liberty to the petitioners to move an appropriate petition as and when the cognizance is taken by the concerned Judicial Magistrate and summons are issued to the petitioners, if so advised. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1. The II Additional Subordinate Judge,
Nagercoil.

2. Forest Range Officer,
Alagiapandiapuram Range,
Alagiapandiapuram,
Kanniyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR. T. A. EBENEZER, ADVOCATE IN SR NO. 83556

RMI

BU/RP/SAR-III : 09.10.2018 : 2P/5C

CRL.O.P. (MD) No. 16213 of 2018
and
Crl.M.P. (MD) No. 7186 of 2018
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