



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.20844 of 2015 and

M.P.(MD)No.1 of 2015

Chelladurai

... Petitioner/1st Accused

Vs.

1. State rep. by,
Inspector of Police,
Mukkudal police station,
Cheranmahadevi Sub Division,
Tirunelveli District. ... Respondent/Respondent

2. Murugan ... Respondent/Defacto Complainant

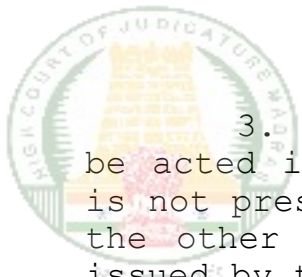
Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to Crime No.119 of 2015 on the file of the first respondent and quash the same as far as the petitioner is concerned.

For Petitioner	: Mr.A.Sivasubramanian
For R-1	: Mr.A.Robinson, Government Advocate(Crl. Side).

O R D E R

The petitioner challenges the impugned First Information Report which was registered by the Inspector of Police, Mukkudal police station, at the instance of the second respondent herein.

2. The second respondent is the local Village Administrative Officer. He alleges that the petitioner had unlawfully removed "Karuvelam" trees standing in the Government poramboke land. The petitioner states that they received an intimation from the Block Development Officer that there is a direction to clear all "Karuvelam" trees. Pursuant to the aforesaid direction of the Block Development Officer issued proceedings No.A3/3382/2015 dated 16.09.2015, the resolution was passed by the Vadakku Avaniyapuram Panchayat on 25.09.2015. Pursuant to the said resolution, the auction was conducted. One Iyappan was found to be the highest bidder and he remitted a sum of Rs.4,000/- on 09.10.2015. The impugned First Information Report was registered on 12.10.2015. It is also seen that the Hon'ble Division Bench of this Court vide order dated 09.01.2014 in W.P.(MD)Nos.18748 and 20779 of 2013 had given certain directions for removal of "Karuvelam" trees.



3. Therefore, in this case the petitioner cannot be said to be acted in a dishonest manner. The element of dishonest intention is not present in this case. In this case, the petitioner as well as the other accused have only complied with the official directions issued by the superior.

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4. The Block Development Officer has in turn effectuated the direction given by the Hon'ble High Court. In as much as the *mens rea* on part of the petitioner is not established, the impugned prosecution stands quashed. The criminal original petition stands allowed. The benefit of this order will enure to the non-petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

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/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Inspector of Police,
Mukkudal police station,
Cheranmahadevi Sub Division,
Tirunelveli District.

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

+1 CC to M/s.A.SIVASUBRAMANIYAN, Advocate (SR-103407[F] dated 04/12/2019)

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KB(11.06.2020) 2P 4C