



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.7008 of 2017

and

Crl.M.P. (MD) Nos.4751 & 4752 of 2017

D.Vinayakamoorthi ... Petitioner/ Accused
vs.

- 1) State Rep. by
The Inspector of Police,
Nathampatti police Station,
Virudhunagar District.
(Crime No.68 of 2015) ... Respondent/Complainant
- 2) S.Shankar ... Respondent/De facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to P.R.C.No.7 of 2017 in Crime No.68 of 2015 on the file of the Judicial Magistrate - I, Srivilliputhur, Virudhunagar District and quash the same.

For Petitioner : Mr.K.K.Samy

For R-1 : Mr.K.Dineshbabu,
Additional Public Prosecutor

For R-2 : No Appearance

O R D E R

The Criminal Original Petition has been filed challenging the proceedings in P.R.C.No.7 of 2017 in Crime No.68 of 2015 pending on the file of the learned Judicial Magistrate-I, Srivilliputhur, Virudhunagar District.

2. The case of the prosecution is that the petitioner had illegally cut the tamarind tree which was standing in the front of his house without the permission of the Authorities and he had collected the wood from the tree which is worth of Rs.3,500/- The Court below has taken cognizance of the final report for the offence under Sections 3 & 4 of T.N.P.P.D.L. Act.

3. The learned counsel for the petitioner submitted that the tree was causing serious problems to the house of the petitioner and



the petitioner had paid a sum of Rs.4,000/- to the Village Panchayat when the tree was cut. Various representations made by the petitioner in this regard were not considered by the Authorities. The learned counsel further submitted that Sections 3 & 4 of T.N.P.P.D.L. Act will not be attracted to the facts of the present case.

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4. The learned Additional Public Prosecutor appearing on behalf of the respondent submitted that the petitioner had cut the tree without the permission of the concerned Authorities and therefore has committed an offence under Sections 3 & 4 of T.N.P.P.D.L. Act.

5. The issue in question is very minor in nature which does not require a criminal prosecution to be continued at this stage. The petitioner who was frustrated by the attitude of the Authorities in not cutting down the tree had cut down the tree after making necessary payment to the Village Panchayat. Continuation of the proceedings against the petitioner is an abuse of process of Court and the same requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

6. In the result, the proceedings in P.R.C.No.7 of 2017 in Crime No.68 of 2015 pending on the file of the learned Judicial Magistrate-I, Srivilliputhur, Virudhunagar District is hereby set aside and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1) The Judicial Magistrate - I,
Srivilliputhur, Virudhunagar District
- 2) The Inspector of Police,
Nathampatti police Station,
Virudhunagar District.
(Crime No.68 of 2015)
- 3) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in

Crl.O.P. (MD) .No.7008 of 2017

22.11.2019