



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM:

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU**

Crl.O.P(MD)No.12407 of 2020

and

Crl.M.P.(MD)No.5589 of 2020

S.Ramasubbu

..Petitioner/Accused No.1

Vs

1.The Inspector of Police,  
Chokkampatti Police Station,  
Tenkasi District.  
(Crime No.100/2018)

..Respondent No.1/  
Complainant

2.The Assistant Engineer,  
National Highways,  
Kadayanallur,  
Tenkasi District.

..Respondent No.2/Defacto  
Complainant

**PRAYER:** Petition filed under Section 482 Code of Criminal Procedure, to call for the records in Crime No.100 of 2018, on the file of the 1<sup>st</sup> respondent police station and quash the same as against the petitioner.

For Petitioner : Mr.S.Kumar

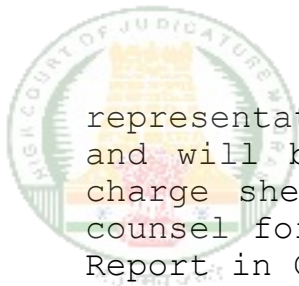
For R1 : Ms.S.E.Veronica Vincent,  
Government Advocate (Crl. Side).

### **O R D E R**

This Criminal Original Petition has been filed to quash the impugned First Information Report in Crime No.100 of 2018, on the file of the 1<sup>st</sup> respondent police station as against the petitioner.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the 1<sup>st</sup> respondent.

3.According to the petitioner, based on the complaint given by the second respondent, the first respondent police has registered Crime No.100 of 2018 on 26.04.2018 against the petitioner and one another, alleging that on 22.04.2018, the petitioner has cut down seven Palmyra trees through the 2<sup>nd</sup> accused in Survey No.107/2B, which is abutting to the land in survey No.133, which belongs to the National Highways Department, without any permission from the second respondent. According to the petitioner, he had paid a fine of Rs.4,029, for the penal proceedings initiated by the Revenue Divisional Officer, Tenkasi against the petitioner. In an earlier occasion, the petitioner has approached this Court in Crl.OP(MD) No.2043 of 2020 and the same was closed on 06.02.2020, based on the



representation from the respondents that 'the charge sheet is ready and will be filed within a period of one month'. But, so far no charge sheet has been filed by the respondent. Hence, the learned counsel for the petitioner would pray to quash the First Information Report in Crime No.100 of 2018.

4. When the matter is taken up for hearing today, the Government Advocate would submit that during the course of the investigation, the second accused died. Originally, the charge sheet has been filed on 23.05.2018 and the same was returned for making some corrections. He would pray one month time to represent the charge sheet after making necessary corrections.

5. Recording the submission made by the learned Additional Public Prosecutor, the first respondent is directed to represent the Final Report within a period of one month from the date of receipt of a copy of this order.

6. With the above direction, the Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

**NOTE:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**To:**

1. The Inspector of Police,  
Chokkampatti Police Station,  
Tenkasi District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**CrI.O.P(MD)No.12407 of 2020**

**and**

**CrI.M.P. (MD)No.5589 of 2020**

**05.11.2020**

=  
SJ(CO)

**KK(03.12.2020) 2P 3C**