



Crl.O.P.No.20139 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.20139 of 2020
and Crl.M.P.No.8352 of 2020

1.A.Sangamithirai
2.P.Govindarajan

...Petitioners

-Vs-

1.The State,
Rep. by The Inspector of Police,
Deevattipatti Police Station,
Salem District.

2.K.Selvakumar

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in Crime No.510 of 2018 on the file of the Inspector of Police, Deevattipatti Police Station, Salem and quash the same.

For Petitioners

: Mr.L.Pachaiappan for
Mr.N.Vijaya Basker

For R1

: Mr.A.Gopinath
Government Advocate (Crl.Side)

For R2

: No appearance



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ORDER

This Criminal Original Petition has been filed to quash the proceedings on the complaint lodged by the second respondent in Crime No.510 of 2018 on the file of the Inspector of Police, Deevattipatti Police Station, Salem.

2. Heard both sides.

3. The first respondent registered the FIR in Crime No.510 of 2018 for the offences under Section 379 of IPC, alleging that on the instruction given by the petitioners, two trees were fully cut down and removed from the school premises. It worth about Rs.10,000/-. The alleged occurrence had taken place on 29.07.2018, whereas the complaint lodged by the second respondent on 29.08.2018. There is absolutely no explanation by the second respondent to lodge a belated complaint. That apart, the learned counsel for the petitioners pointed out that the petitioners are working in the Government Higher Secondary School, K.Morur Village, Devattipatti Salem District, under the scheme of National Bank for Agricultural and Rural Development (herein after



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called as "NABARD Scheme"). The amount has been sanctioned to the poor conditions of the schools situated in the rural areas of Tamil nadu for putting up new constructions and developing the infrastructures. Accordingly, the Chief Educational Officer (CEO) inspected the petitioners' school premises and selected under the NABARD Scheme. Thereby, sanctioned finance for construction of new building premises. Accordingly, the Boomi Pooja was performed under the guidance of higher authorities and the building construction Engineers had cleaned the construction areas, wherein five small trees were cut down. Thereafter, the trees were sold in a public auction for a sum of Rs.5,500/-

4. That apart, the said amount has been deposited into the P.T.A. (Parents Teachers Association) of the petitioners' school. In fact, there was a resolution by the teachers as well as the Parents Teachers Association and decided to hand over the said land under the NABARD scheme for the construction of new building. In the same resolution, they decided to cut the trees and the same have to be auctioned in the public auction. Accordingly, they auctioned the said trees which were cut down and a sum of Rs.5,500/- has been deposited in the Parents Teachers



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Association.

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5. That apart, the learned counsel for the petitioner would submit that after registration of FIR, the respondent altered the offence into Section 3(1) of TNPPDL Act. Therefore, there is absolutely no offence is made out as against the petitioners and the present FIR is nothing but a clear abuse of process of law.

6. Therefore, the FIR in Crime No.510 of 2018 on the file of the first respondent is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

01.07.2022

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
cda/mn

G.K.ILANTHIRAIYAN. J.

mn



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To

- 1.The Inspector of Police,
Deevattipatti Police Station,
Salem District.
- 2.The Public Prosecutor,
High Court, Madras.

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and Crl.M.P.No.8352 of 2020

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