



CrI.O.P.(MD).No.3960of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM:

THE HONOURABLE **MR.JUSTICE SUNDER MOHAN**

CrI.O.P.(MD).No.3960 of 2020

and

CrI.M.P(MD)No.2190 of 2020

1.R.Pasupathi
2.S.K.Manickavasagam
3.P.Sheik Mohideen
4.M.Paulsamy
5.S.Velmurugan
6.A.Peyyathevar
7.A.Velu
8.V.Sethu
9.A.Vanam

... Petitioners/Accused
Nos.1 to 9

Vs.

Forest Range Officer
Megamalai Forest Circle,
Kadamalaikundu,
Then District.
CR No.7/2017

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the private complaint in S.T.C.No.1847 of 2019 and quash as illegal pending before the learned Judicial Magistrate, Aundipatty, Theni District and quash the same as illegal.



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For Petitioners : Mr.T.Lajapathi Roy
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The instant quash petition has been filed challenging the complaint filed by the respondent for alleged offence under Sections 21(b),(c),(d),(e),(f),(g) & (i) and 26(a), (c) & (e) of Tamil Nadu Forest Act, 1882.

2.The learned counsel for the petitioners submitted that the petitioners have not committed any offence and did not destroy any part of reserved land or reserved forest area and they had only cleared some hindrances in existing pathway in order to access their lands under cultivation and habitation.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that the submission made by the petitioner is factual in nature and the said contentions can be raised only before the learned Judicial Magistrate where the trial is pending.



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4.This Court has perused the complaint filed by the respondent. The allegation against the petitioners is that they had illegally felled trees belonging to the reserved forest area without due permission and that they had committed offence as alleged. This Court finds that the points raised by the petitioners are factual in nature and it can be agitated before the trial Court. The petitioner has not made out any ground to interfere with the complaint in the quash petition. However, the petitioners are at liberty to raise all their contentions before the learned Judicial Magistrate.

5.The learned counsel for the petitioners, however, prays that the personal appearance of the petitioners 3 and 6, who are arrayed as A3 and A6 in the complaint may be dispensed with. The personal appearance of the petitioners 3 and 6/accused 3 and 6 is dispensed with, except for such hearings in which the presence of the petitioners 3 and 6 is deemed necessary, for the progress of the trial, by the learned Magistrate.



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6.With the above observation, this Criminal Original
Petition is dismissed. Consequently, connected miscellaneous
petition is closed.

23.12.2022

Index : Yes / No

Internet : Yes / No

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To

1.Forest Range Officer
Megamalai Forest Circle,
Kadamalaikundu,
Then District.

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



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SUNDER MOHAN, J.

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and
Crl.M.P(MD)No.2190 of 2020

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