



Crl.O.P.(MD).No.20028 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 15.09.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR**

**Crl.O.P.(MD).No.20028 of 2021**

**and**

**Crl.M.P.(MD).No.11283 of 2021**

Ravi

... Petitioner/Accused No.2

**Vs.**

State represented by

1.The Inspector of Police,  
Mayiladumparai Police Station,  
Theni District.  
(Crime No.8 of 2020).

...1<sup>st</sup> Respondent/Complainant

2.Saravanakumar

...2<sup>nd</sup> Respondent/Defacto Complainant

**Prayer** : Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the charge sheet in C.C.No.167 of 2020 on the file of the Judicial Magistrate, Aundipatti and quash the same.

For Petitioner : Mr.K.Sathish Kumar

For R-1 : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

For R-2 : No appearance



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**ORDER**

This petition has been filed seeking to quash C.C.No.167 of 2020 pending on the file of the learned Judicial Magistrate, Aundipatti.

2. The case of the defacto complainant is that he is a Forester in the Megamalai Forest Range. The first accused trespassed into the reserved forest and encroached the forest land by erecting shelter and also farming cardamom. Hence, the Forest Officials issued notice to the first accused. But, having received the said notice, the first accused did not submit any reply or did not take any steps to remove the encroachment. Therefore, the defacto complainant along with his officials had removed the encroachment on 24.01.2020.

3. After knowing about the same, the first accused along with the second accused trespassed into the check-post and criminally intimidated the defacto complainant showing Aruval. Hence, the defacto complainant preferred the complaint on 30.01.2020 and a case in Crime No.08 of 2020 was registered. After completion of investigation, charge sheet has also been filed in C.C.No.167 of 2020. Challenging the same, the present petition has been filed by the accused persons.



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4. The learned counsel for the petitioner submits that the first accused is the father of the second accused/the petitioner herein. Originally, the accused persons are doing cultivation in the land in question for the past fifty years and they are awaiting patta from the Government for the said land. But, without issuing any notice, they were called upon to remove the plants cultivated by them. Since they refused, the officials forcibly destroyed the crops illegally. While they tried to restrain the same, they were assaulted by the defacto complainant and other forest personnels alleging that the petitioner and his father have encroached into the forest land. Both accused have taken treatment as inpatient from 24.01.2020 to 01.02.2020. Hence, the accused have lodged a complaint in CSR No.2 of 2020 on 25.01.2020. On knowing the said complaint, in order to escape from the clutches of law, the defacto complainant lodged the present complaint belatedly on 30.01.2020 as a counter blast.

5. Whereas, the learned Additional Public Prosecutor appearing on behalf of the official respondents submitted that the accused persons illegally trespassed into the forest land and cultivated crops. Despite issuing notice to them to remove the encroachment they did not remove the same. Hence, the defacto complainant along with his officials had removed the encroachment. The accused persons criminally intimidated the defacto complainant by



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showing Aruval. Hence, the complaint was lodged against the accused persons after getting necessary permission from the higher officials. Hence, there was a delay in lodging the complaint. He further submitted that the petitioner is encroaching upon either the forest land or the revenue land and also obstructing the public servants from discharging their official duty. He also submitted that in this case, the petitioner in defence, had lodged a complaint against the forest officials on 25.01.2020 and C.S.R.No.2/2020 assigned. Totally 9 witnesses were examined in this case. The respondent Police conducted enquiry, found no substance and closed the complaint. The petitioner, in order to exert pressure on the various officials and to deter them from taking any action, now filed a private complaint before the concerned Magistrate, which is pending. The petitioner's act would clearly confirm that the petitioner along with his father had actively participated in assailing the public servants. Hence, the learned Additional Public Prosecutor strongly opposed this quash petition.

6. Considering the above submissions and on perusal of the materials available on record, it is seen that the petitioner and his father were farming cardamom in the reserve forest area and the forest officials have cleared the encroachment, due to which, there were some heated arguments. Further, it is also seen that the petitioner has now encroached upon the revenue land, for



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which, the revenue officials are taking steps for removal of encroachment. The Megamalai Forest Range is biospheric area with flora and fauna. Hence, the nature has to be conserved and protected. The encroachments made by the petitioner would spoil the conservation of forest and hence, the forest and revenue officials are taking action. The petitioner might have some reasons in his defence, which he has to prove during trial. Hence, this Court is not inclined to entertain this petition. The Trial Court is directed to proceed with the trial uninfluenced by any of the observations made herein, since they are made only for the disposal of this petition.

7. Accordingly, the Criminal Original Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

**15.09.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
Lm



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To

- 1.The Judicial Magistrate,  
Aundipatti.
- 2.The Inspector of Police,  
Mayiladumparai Police Station,  
Theni District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.NIRMAL KUMAR, J.**

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