



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP Nos. 20341, 20343 and 20339 of 2022
Crl.MP. Nos. 13340,13343,13339,13341,13342 and 13344 of 2022

1 SANJAY UPMAN

...Petitioner in all petitions

Vs.

1 THE FOREST RANGE OFFICER []
CHERAMBADI FOREST RANGE CHERAMBADI
UDHAGAMANDALAM NILGIRIS DIST.

2. M/s. Harrisons Malayalam Limited, Kochi, Kerala.
(R2 suo motu impleaded as per order dated 14.02.2021 in Crl.O.P
Nos.20341, 20343 and 20339 of 2022)

...Respondents in all petitions

PRAYER in Crl.O.P No. 20341 of 2022 : This petition has been filed
under Section 482 of Cr.P.C, to call for the records in STC No.258 of 2021
on the file of Honble Judicial Magistrate at Pandalur and quash the same.



PRAYER in CrI.O.P No. 20343 of 2022 : This petition has been filed under Section 482 of Cr.P.C, to call for the records in STC No.134 of 2022 on the file of Honble Judicial Magistrate at Pandalur and quash the same.

PRAYER in CrI.O.P No. 20339 of 2022 : This petition has been filed under Section 482 of Cr.P.C, to call for the records in STC No.518 of 2021 on the file of Honble Judicial Magistrate at Pandalur and quash the same.

For Petitioner : Mr.J.Ravikumar (in all petitions)
For R1 : Mr.S.Vinoth Kumar
Government Advocate (CrI.side)
For R2 :

COMMON ORDER

The petitioner herein filed these petitions to call for the records in STC Nos.258, 518 of 2021 and 134 of 2022 on the file of Judicial Magistrate at Pandalur and quash the same.

2. The case of the prosecution is that on 22.10.2018, the respondent found "Adi Kaadu" was cut by the petitioner without obtaining any permission from the District committee, in the slope lands in S.No. 1456/2, Patta No. 1718, Belonging to HML, where previously ginger cultivation was done ealier, offence under Section 4 (2), (3) of the Act. Hence, the case.

3. When the matter was taken up for hearing the leanrned Government Advocate (CrI. side) submits that as per the provision of law, the committee alone



competent to file complaint but the present complaint was given by the Forest Ranger. Hence, he has no objection to quash the complaint to that effect he relied the order of this Court reported in 2007 MLJ (Crl) 601:

7. I cannot take a different view in the case on hand. In this case too, the complaint has not been filed by the committee as required under Section 11 of the Act. Therefore, except quashing the case, I do not have any other option.

4. The learned counsel for the petitioner submits that they are going to challenge the order passed by the committee before the appellate authority.

5. On perusal of the records, it reveals that the complaint was given by the Forest Ranger, based on that the proceeding was initiated against the petitioner concerned. Therefore, the complaint filed by the person other than the committee as required under Section 11 of the Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955 is not maintainable. Hence, the proceedings against the petitioner in STC Nos.258, 518 of 2021 and 134 of 2022 on the file of Judicial Magistrate at Pandalur, is ordered to be quashed. However, the committee is at liberty to file appropriate complaint as required under the Act, if so advised, subject to the provision regarding limitation etc.



6. In the result, these criminal original petitions are allowed. No Costs. Consequentially, connected miscellaneous petitions are closed.

25.03.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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