



Crl.O.P.(MD)No.2022 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.2022 of 2022
and Crl.M.P.(MD)Nos.1471 & 1474 of 2022

1.Aandivel
2.Ramalingam
3.Natrayan

... Petitioners

Vs.

The Forest Range Officer,
Kannivadi Forest Range,
Dindigul District.
(WLOR.No.04 of 2013)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.446 of 2019 on the file of the District Munsif cum Judicial Magistrate, Athoor, Dindigul District an quash the same as against the petitioners.

For Petitioners : Mr.G.Gomathi Sankar

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.446 of 2019 on the file of the District Munsif cum Judicial Magistrate, Athoor, Dindigul District as against the petitioners.

2.The case of the prosecution is that based on the secret information, the respondent police conducted search and caught the accused persons with country made rifle and weapons, which are used for hunting the wild animals. Hence, the respondent police registered a case and upon completion of investigation, filed charge sheet in C.C. No.446 of 2019 by the District Munsif cum Judicial Magistrate, Athoor, Dindigul District. Challenging the same, the present petition came to be filed.

3.The learned counsel appearing for the petitioners would submit that the petitioners are doing coolie works and the first petitioner's grandfather was having country made rifle. The petitioners



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are having residence within surrounding of reserved forest area and they are having some instruments only to safeguard themselves from the forest animals and they have not any intention to hunt the wild animals. However, the respondent police registered a case and also filed charge sheet, which is not sustainable one. Therefore, he would pray to quash the impugned proceedings.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the respondent has conducted a fair investigation and after examining the necessary witnesses and collecting all materials, he has filed the final report, which has been taken cognizance of by the court below. He would further submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.side) appearing for the respondent.



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6. Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. Useful reference in this regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***.

7. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioners if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charge framed against them as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against them.

8. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.446 of 2019, pending on the file of the learned District Munsif cum Judicial Magistrate, Athoor, Dindigul District. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are also closed.



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9.Learned counsel appearing for the petitioners would submit that this Court may consider dispensing with the personal appearance of the petitioners before the court below. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

30.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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M.DHANDAPANI,J.

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To

- 1.The District Munsif cum Judicial Magistrate,
Athoor, Dindigul District.
- 2.The Forest Range Officer,
Kannivadi Forest Range,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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