



Crl.O.P.(MD)Nos.9637, 9641 & 9916 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.(MD)Nos.9637, 9641 & 9916 of 2021

and

Crl.M.P.(MD)Nos.4931, 4937 & 5048 of 2021

Crl.O.P.(MD)No.9637 of 2021 :

Vilva Bhuvaneswaran

... Petitioner/A2

vs.

1.State represented by,
The Inspector of Police,
Jetty Police Station,
Ramanathapuram District.
(Crime No.95 of 2021)

... 1st Respondent/Complainant

2.Kannadasan

... 2nd Respondent/De-facto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records in relating to the impugned FIR in Crime No.95 of 2021 on the file of the 1st respondent police and to quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.V.Balasundarakumar

For R1 : Mr.S.Ravi
Additional Public Prosecutor



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WEB CO **Crl.O.P.(MD)No.9641 of 2021 :**

Villayutham

... Petitioner/A1

VS.

1.State represented by,
The Inspector of Police,
Jetty Police Station,
Ramanathapuram District.
(Crime No.95 of 2021)

... 1st Respondent/Complainant

2.Kannadasan

... 2nd Respondent/De-facto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records in relating to the impugned FIR in Crime No.95 of 2021 on the file of the 1st respondent police and to quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.V.Balasundarakumar

For R1 : Mr.S.Ravi
Additional Public Prosecutor

Crl.O.P.(MD)No.9641 of 2021 :

Villayutham

... Petitioner/A2

VS.

1.State represented by,
The Inspector of Police,
Mandapam Police Station,



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WEB COPY Ramanathapuram District.
(Crime No.48 of 2021)

... 1st Respondent/Complainant

2.Kottaisamy

... 2nd Respondent/De-facto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records in relating to the impugned FIR in Crime No.48 of 2021 on the file of the 1st respondent police and to quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.M.S.Jeyakarthik

For R1 : Mr.S.Ravi
Additional Public Prosecutor

COMMON ORDER

The issue involved in all these three cases pertains to the First Information Reports that was registered in Crime Nos.95 of 2021 on the file of the Inspector of Police, Jetty Police Station, Ramanathapuram District and in Crime No.48 of 2021 on the file of the Inspector of Police, Mandapam Police Station, Ramanathapuram District.

2. The main issue that was raised on the side of the petitioners is that for the alleged offence under the Wild Life (Protection) Act, 1972, the police does not have the power to register a First Information Report and they do not have the power to investigate the case and it is only the



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concerned authorities as prescribed under the Act, who can initiate a criminal case by way of filing a private complaint, which alone can be taken cognizance under Section 55 of the Wild Life (Protection) Act. In view of the same, it was contended that there is no basis for launching the criminal prosecution by way of registering a First Information Report and hence, both the First Information Reports are liable to be quashed by this Court.

3. The case in hand involves the alleged illegal transportation of sea cucumber. Accordingly to the respondent police, they have seized the sea cucumber weighing about 951.600 Kilograms in Crime No.48 of 2021 and 2800 Kilograms in Crime No.95 of 2021. Pursuant to the seizure, the First Information Reports were registered for various offences under the Wild Life (Protection) Act, 1972.

4. When the matter came up for hearing today, the learned Additional Public Prosecutor submitted that the First Information Reports were registered in this case only for the purpose of search and seizure, and for collecting the materials and ultimately, the entire investigation has now been handed over to the concerned authority under the Wild Life



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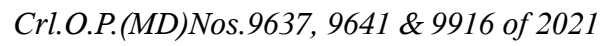
6. In the light of the above discussion, this Court holds that the registration of First Information Reports by the respondent police confined itself only to the power of entry, search and seizure, and after the completion of this process, the materials have now been handed over to the competent authority, who should take a decision and proceed further in accordance with the Act by way of filing a private complaint. As and when any such proceedings are initiated and the petitioners are aggrieved, it is left open to them to work out their remedy in the manner known to law.

7. Accordingly, these Criminal Original Petitions are disposed of in the above terms. Consequently, connected Criminal Miscellaneous Petitions are closed.

09.12.2024

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Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No



1. The Inspector of Police,
Jetty Police Station,
Ramanathapuram District.
2. The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N. ANAND VENKATESH, J.

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