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CRL.O.P.No.8886 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P.No.8886 of 2023

and

CRL.M.P.No.5706 of 2023

A.Gopalasundaram

... Petitioner

vs.

State Rep.by
Forest Range Officer,
Ulundurpet Forest Range,
Ulundurpet.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to S.T.C.No.1072 of 2022 on the file of the learned Judicial Magistrate No.II, Ulundurpettai, Kallakurichi District and quash the same as against the petitioner/accused.

For Petitioner : Mr.Ashok Kumar
Senior Counsel
for M/s.A.Sasidharan



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For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.1072 of 2022 on the file of the learned Judicial Magistrate No.II, Ulundurpettai, Kallakurichi District, thereby having been taken cognizance for the offences under Sections 21(d), (e), (f) and (g) of the Tamil Nadu Forests Act, 1882, as against the petitioner.

2. The case of the prosecution is that the second respondent lodged complaint alleging that during the Patrol of the Reserve Forest by the respondent and his team, they found that the road (Pathai) leading to Sirumadurai Adi Dravidar Burial Ground to an extent of 150 metres with six metre width, has been repaired with gravel and that on enquiry, they came to know that the vehicles carrying the dead bodies used to get struck in the sand and as directed the President of Sirumadurai Village



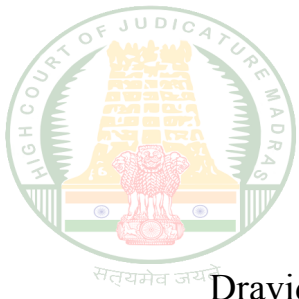
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Panchayat namely, the petitioner herein , the said road was laid by using gravel . On the basis of the above said allegation, the respondent police registered the complaint and filed a charge sheet against the petitioner for the offences under Sections 5 and 21 (d), (e), (f) and (g) of the Tamil Nadu Forests Act, 1882 in S.T.C.No.1072 of 2022 on the file the learned Judicial Magistrate No.II, Ulundurpettai.

3. Heard the learned counsel on either side and perused the materials available on record.

4. Admittedly, the petitioner is being President of Adi Dravidar Sirumadurai Village Panchayat and passed on the resolution dated 15.12.2021 in respect of the land since it is mud road by converting into thar road the panchayat under the funds of President. Accordingly, the road has been reallocated by putting conversion. The said road leads to Srimadurai Adi Dravidar, Burial ground to an extent of 150 metres with six metre width. Admittedly, there is a road leading to the said burial ground only on the resolution made by the President of Srimadurai Adi



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Dravidar. Since the said area is declared as Reserved Forest, the respondent lodged a complaint as if the petitioner had committed offence under Section 21(a) of the Tamil Nadu Forest Act, 1882, it is extracted hereunder :-

21 Any person who -

(a) makes any fresh clearing prohibited by Section 7 ; or

5. In the case on hand, the petitioner is being the president of Panchayat and passed resolution wherein it is stated that the road has been repaired with gravel and to put up thar road. Therefore, no action has been taken against the petitioner and the Trial Court ought to have considered this resolution. Now, the entire records has been transferred from the file of the learned Judicial Magistrate No.II, Uludurpettai, Kallakurichi Disict to the file of District Munsif cum-Judicial Magistrate, Thiruvonnainallur, Villupuram District and renumbered as STC.No.70 of 2024. Therefore, the final report cannot be sustained and it is liable to be quashed.



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6. Accordingly, the proceedings in S.T.C.No.70 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Thiruvudainallur, Villupuram District is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

13.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
kkd

To

- 1.Forest Range Officer,
Ulundurpet Forest Range,
Ulundurpet.
2. The District Munsif-cum Judicial Magistrate,
Thiruvennainallur, Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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