



CrI.O.P.No.14690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.14690 of 2023 and

CrI.M.P.No.9194 of 2023

1. D.Suseela Raj
2. N.Solai
- 3.S.Revathy
- 4.G.M.Sundaresan
- 5.M.Ponnusamy
- 6.P.Subramaniam
- 7.Indirani Rathinam
- 8.K.K.Durairaj
- 9.Abdul Nazar
- 10.B.Haridass
- 11.B.Ravindran
- 12.B.Jayakumar
- 13.B.Ramdoss
- 14.Haneefa
- 15.K.Mohammed Haji
- 16.P.Safiya
- 17.Saira Banu
- 18.M.Sadiq



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19.R.Saraswathi
20.T.Nachiappan
21.R.Thennappan
22.K.M.Rejani
23.Kairali

... Petitioners

Vs.

1. The State of Tamil Nadu
Represented by the Inspector of Police
New Hope Police Station
Gudalur
Nilgiris District

2. The Revenue Divisional Officer
Gudalur, Nilgiris District

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in respect of the complaint in Cr.No.6/2020 on the file of the 1st respondent herein, quash the same by allowing this Criminal Original petition.

For Petitioners	: Mr.T.Murugamanikkam Senior Counsel for Mr.V.Rajesh
For Respondents	: Dr.C.E.Pratap Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed by the petitioners seeking to quash the First Information Report in Crime No.6 of 2020, registered by the first respondent police for the offences under Sections 420 IPC, Section 3(1)(a) of Forest (Conservation) Act and Section 7(1) of TN Forest Act.

2. The case of the petitioners is that based on the complaint given by the Revenue Divisional Officer, Gudalur/second respondent, the first respondent police registered a case in Crime No.6 of 2020 on 28.01.2020 against the petitioners and others for the offences under Sections 420 IPC, Section 3(1)(a) of Forest (Conservation) Act and Section 7(1) of TN Forest Act as if the accused are illegally enjoying the lands without a registered transfer deed which amounts to grabbing of Government lands. Pending investigation, the present petition is filed to quash the FIR as against the petitioners.

3. According to the learned Senior Counsel for the petitioners, the matter is arising out of Janmam Lands. Originally, the lands in question belonged to



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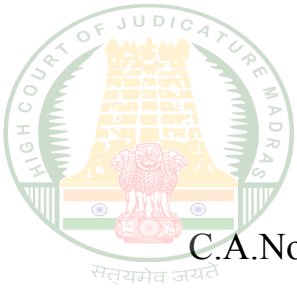
Nilambur Kovilagam and were in the leasehold possession of late

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A.J.Gonsalves and his legal heirs. The petitioners are in occupation of different extents of land under individual agreements of sale executed by the legal heirs of Mr.Kenneth Gonsalves. It is their case that they are only agreement holders, and no registered deed of transfer has been executed in their favour.

4. It is further submitted that the Settlement Officer, Gudalur, by order dated 30.11.2018, rejected the patta application filed under Section 9 of the Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act, 1969, which had been initiated by the petitioners' vendor. The said order is under challenge in C.M.A.No.3 of 2020 before the District Court, Nilgiris. The petitioners contend that in view of the pendency of the said case, the registration of the FIR is premature and amounts to an abuse of process of law.

5. The learned Senior counsel further submitted that according to the defacto complainant, in violation of undertaking given by the A.J.Gonsalves on 23.08.1978, before the Hon'ble Supreme Court in C.M.P.No.1233/77 in

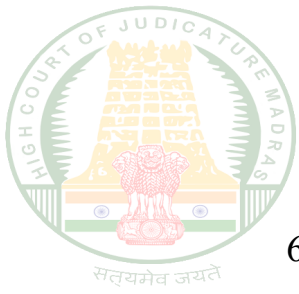


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C.A.No.371/77 that he would not alienate any part of the property involved in

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the petition whether by way of sale, mortgage or change or otherwise till the disposal of the petition, the unregistered sale agreement has been executed. Even otherwise, the petitioners are not “owners” as defined under Section 2(b) of the Tamil Nadu Private Forests (Preservation) Act, 1949, and hence, the invocation of Sections 3(1)(a) and 7(1) of the Act against the petitioners, is legally untenable as no sale has been effected. The petitioners, being mere agreement holders, were put in possession by Mr.Kenneth Gonsalves and his family, and such possession had already been disclosed in W.P.No.25328 of 2007 filed by Mr.Gonsalves. Further, the matter regarding Janmam Lands is pending with the Hon'ble Supreme Court and subject to the ultimate outcome of the Supreme Court, it would be decided as to whether the transaction is valid or not. In these circumstances, it was contended that the registration of the FIR is unwarranted and would cause undue hardship to the petitioners.



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6. The learned Government Advocate (CrI. Side), appearing for the

respondent police, strongly opposed the prayer for quashing, and submitted that the allegations in the complaint disclose cognizable offences and merit thorough investigation. He further submitted that the issues raised by the petitioners are matters of defence, which can be properly considered only during the course of trial and not at the threshold.

7. It is not in dispute that the title to the property is not yet conveyed. But the petitioners are in possession based on unregistered agreements of sale. It is also not in dispute that the petitioners have challenged the order passed by the Settlement Officer and that the appeal in C.M.A.No.3 of 2020 is pending adjudication before the competent civil forum.

8. In the considered view of this Court, the grounds raised by the petitioners such as lack of title and pendency of civil appeal are all matters which require evidence and detailed consideration which cannot be examined in a petition under Section 482 CrPC. At this stage, this Court does not find



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any exceptional ground to invoke its inherent powers under Section 482 CrPC,

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as the materials on record disclose prima facie cognizable offences, particularly under Section 3(1)(a) of the Tamil Nadu Private Forests Act, 1949, arising from the petitioners' unauthorised possession of forest land based on transactions lacking statutory approval.

9. Accordingly, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petitions are closed.

10. The respondent police is directed to complete the investigation and file a final report in accordance with law. The petitioners are at liberty to work out their remedy in the manner known to law before the trial Court during trial.

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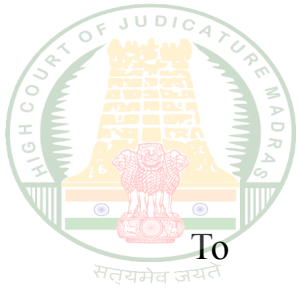
Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. Inspector of Police
New Hope Police Station
Gudalur
Nilgiris District
2. The Revenue Divisional Officer
Gudalur, Nilgiris District
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN,J.

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