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Crl.O.P.No.32674 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.32674 of 2024

and

Crl.M.P.No.18595 of 2024

Vamanan Seshadri

... Petitioner

Vs

The State rep. by
The Forest Range Officer,
Tamil Nadu Forest Department,
Vellachery,
Chennai – 600 032.

... Respondent

Criminal Original Petition is filed under Section 528 of B.N.N.S., calling for the records in FIR in Crime No.WL.OR.No.29 of 2023, now pending on the file of the respondent, the Forest Range Officer, Tamil Nadu Forest Department, Vellachery, Guindy, Chennai herein and quash the same.

For Petitioner : Mr.N.Anandha Padmanaban,
Senior Counsel
for Mr.E.Balamurugan

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. Side)

ORDER



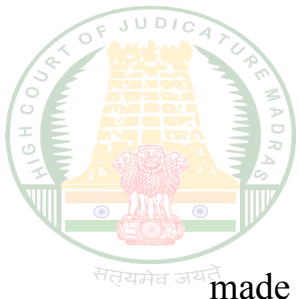
CrI.O.P.No.32674 of 2024

WEB COPY

This petition has been filed to quash the First Information Report in Crime No.WL.OR.No.29 of 2023 on the file of the respondent, the Forest Range Officer, Tamil Nadu Forest Department, Vellachery, Guindy, Chennai herein.

2. The main issue that was raised on the side of the petitioner 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 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, the First Information Report is liable to be quashed by this Court.

3. The case in hand involves the alleged illegal sale of perfume



Crl.O.P.No.32674 of 2024

WEB COPY

made from Punugu (Civet Cat), Male organ part of Monitor lizard and Mothi Shells. According to the respondent police, they have seized the said items in Crime No.WL.OR.No.29 of 2023. Pursuant to the seizure, the First Information Report was registered for various offences under the Wild Life (Protection) Act, 1972.

4. When the matter came up for hearing today, the learned Government Advocate (Crl.Side) submitted that the First Information Report was 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 (Protection) Act. Thus, the role of the respondent police has come to an end and it is for the concerned authority to proceed further with the available materials and file a private complaint as prescribed under the Act. The learned Government Advocate (Crl.Side) submitted that the power of search and seizure by the police is not barred under the Wild Life (Protection) Act and to substantiate his submission, the learned Government Advocate (Crl.Side) relied upon the judgment of the apex Court in ***Moti Lal vs. Central Bureau of Investigation and another [2002 (4) SCC 713]***.

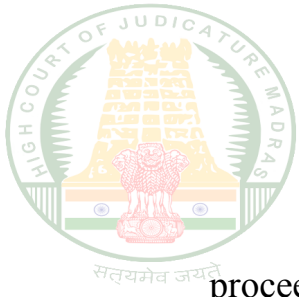


CrI.O.P.No.32674 of 2024

WEB COPY

5. In the considered view of this Court, no useful purpose will be served in quashing this First Information Report, since, ultimately, the case is not going to go through the route of a police report and it is going to be proceeded further only by way of filing a private complaint by the concerned authority prescribed under the Act. Therefore, till such a complaint is given against the petitioner and the same is taken cognizance by the competent Court under Section 55 of the Act and the petitioner is served with the process, there is no use in dealing with the merits of this case in the present quash petition. In other words, it will be premature to deal with the various contentions raised on both sides, since a complaint is yet to be filed by the concerned authority before the Court.

6. In the light of the above discussion, this Court holds that the registration of First Information Report 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



Crl.O.P.No.32674 of 2024

WEB COPY

proceedings are initiated and the petitioner is aggrieved, it is left open to him to work out his remedy in the manner known to law.

7. Accordingly, this Criminal Original Petition is disposed of in the above terms. Consequently, connected Criminal Miscellaneous Petition is closed.

25.03.2025

Index: Yes/No
Neutral Citation: Yes/No
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To

1. The Forest Range Officer,
Tamil Nadu Forest Department,
Vellachery,
Chennai – 600 032.
2. The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.32674 of 2024

G.K.ILANTHIRAIYAN, J.

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CrI.O.P.No.32674 of 2024

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