



Crl.O.P(MD)No.2573 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

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THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.2573 of 2025

and

Crl.M.P(MD)Nos.1754 and 1755 of 2025

Vilva Thamizharasan

... Petitioner

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
Crime No. 109/2020.

2. Anbuselvam,
Forester,
Forest Range Office,
Sayalkudi,
Ramanathapuram District.

... Respondents

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to call for the records pertaining to the impugned Charge Sheet in C.C.No. 110/2022 on the file of the District Munsif cum Judicial Magistrate Court, Kadaladi, Ramanathapuram District and quash the same as illegal.



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For Petitioner : Mr.K.Dinesh,

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (CrI.Side)

For R2 : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the impugned Charge Sheet in C.C.No. 110 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Kadaladi, Ramanathapuram District.

2.The prosecution case is that on 21.04.2020 at about 09.00 p.m, when the Forest Officer was on duty, he received an information that the Peacocks were illegally hunted by some persons. While so, the defacto complainant along with one Forester Raja and Watcher Muthukaruppan and one Ayyanar Driver went to the Sathankudi Road and searched the vehicles. At that time, around 10.00 p.m, the vehicle bearing Registration No.TN 65 AX 3964 Hero Splender was searched, in which, the rider of the Bike, namely, Kajendrapandian S/o.Murugan, pushed the



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Watcher Karupiah and fled away from the spot and thereafter, they chased the said Kajendrapandian. At that time, at about 11.00 p.m, all the accused formed unlawful assembly and came along with deadly weapons and assaulted the Forest officials and also they caused criminal intimidation. Therefore, the Forest Officer lodged a complaint and based on the same, an FIR in Crime No.109 of 2020 was registered as against the petitioner and others, for the offence under Sections 147, 148, 294(b), 323, 324, 326, 353 and 506(2) of IPC and thereafter, the first respondent conducted investigation and filed final report. Now the petitioner was arrayed as tenth accused in this case. Challenging the impugned charge sheet, this petition has been filed.

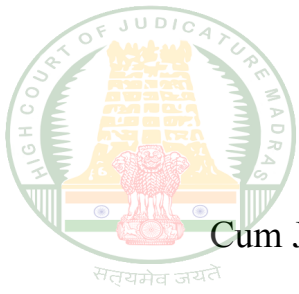
3.The learned Counsel appearing for the petitioner would submit that the petitioner was arrayed as tenth accused in this case. In the final report, the alleged offence under Sections 147, 148, 294(b), 353 and 506(2) of IPC would not attract as against the petitioner, since the petitioner was not at all present in the scene of occurrence. The petitioner belongs to the same locality and therefore, the respondent police included the petitioner's name in the FIR and charge sheet. There are no any specific overt acts attributed against the petitioner and the petitioner



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was arrayed as accused without any material to constitute the alleged offences as against the petitioner. He would further submit that none of the witnesses have spoken about the petitioner during the investigation. The respondent police also removed one of the accused persons, namely, Sethu, who was arrayed as ninth accused. The respondent police adopted the pick and choose method and added the petitioner without any materials as against the petitioner. Therefore, the impugned proceedings against the petitioner are liable to be quashed.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that when the forest officials engaged in vehicle checking, one Kajendrapandian pushed down the one of the forest official, thereby, they chased him. At that time, the petitioner along with other accused have assaulted the Forest Officials and thereby, the forest officer lodged the complaint and based on the same, they registered the FIR in Crime No.109 of 2020 as against the petitioner and others, for the offence under Sections 147, 148, 294(b), 323, 324, 326, 353 and 506(2) of IPC. Thereafter, the first respondent conducted proper investigation and filed the final report and the same was taken cognizance in C.C.No.110 of 2025, on the file of the District Munsif



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Cum Judicial Magistrate, Kadaladi, Ramanathapuram District. There are *prima facie* material available to constitute the offences against the accused persons. Therefore, the trial Court also had taken cognizance. Hence the petitioner has to face the trial and this petition is liable to be dismissed.

5.Heard both sides and perused the materials available on record.

6.According to the prosecution case, the petitioner along with others assaulted the Forest Officials. Therefore, they lodged a complaint and based on the same, an FIR in Crime No.109 of 2020 was registered as against the petitioner and others, for the offence under Sections 147, 148, 294(b), 323, 324, 326, 353 and 506(2) of IPC and thereafter, the first respondent conducted investigation and filed the final report and the same was taken cognizance in C.C.No.110 of 2025, on the file of the District Munsif Cum Judicial Magistrate, Kadaladi, Ramanathapuram District. According to the petitioner, there is no specific overt act attributed against him and no any offence made out against the petitioner and no any *prima facie* material to proceed with the case against the petitioner.



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7. On a careful perusal of the records there are no materials as to how the forest officials came to know about the names of the accused and how they identified the accused. There is no specific overt act attributed as against this petitioner to constitute the offences.

8. Even though the petitioner's name was mentioned in the FIR itself, there is no whisper about the source of light and as to how they identified the petitioner, since the occurrence took place at about 11.00 p.m.. There is no explanation as to how they identified the accused and included the names of the accused in the FIR and there is no any reference as to how the forest officials know about the name of the petitioner, when the occurrence was happened during the night hours. Only based on the vague and bald allegations, the FIR has been registered and charge sheet also filed without any *prima facie* materials. Therefore, it is not appropriate to face the trial by the petitioner and the impugned charge sheet in C.C.No.110 of 2022 is liable to be quashed.

9. Accordingly, the impugned charge sheet in C.C.No.110 of 2022 is quashed as against the petitioner. Therefore, this Criminal Original



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Petition is allowed. Consequently, connected miscellaneous petitions are closed.

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Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

To

1. The District Munsif cum Judicial Magistrate Court,
Kadaladi, Ramanathapuram District.

2. The State of Tamilnadu,
Rep. by the Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

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