

Crl.O.P.(MD) No.14892 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL.O.P (MD) No.14892 of 2024

and

Crl.MP(MD)No.9345 & 9346 of 2024

S.Ramasubbu

... Petitioner

Vs

1. The State of Tamilnadu,
The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
(Crime No.100/2018).

2. The Assistant Engineer,
National Highways,
Kadayanallur,
Tenkasi District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS /482 Cr.P.C, praying to call for records in C.C. No.378/2024 on the file of Judicial Magistrate, Tenkasi and quash the same.

For Petitioner : Mr.S. Kumar,

For R1 : Mr.R.Meenakashi Sundaram
Additional Public Prosecutor



Crl.O.P.(MD) No.14892 of 2024

ORDER

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The petitioner has sought for quashing of the final report for the offence under Section 379 I.P.C.

2. The allegation in the final report is that petitioner had cut the trees from the land belonging to the National Highways for the value of Rs.7000/- and thus committed the aforesaid offence.

3. The learned counsel for the petitioner would submit that the petitioner's property abutted the property of the National Highways; that he had engaged A2 to cut trees in his lands; that he was not aware of any alleged theft; that in any case, the Revenue Divisional Officer had initiated penal proceedings and it was found that the value of the trees said to have been cut by A2 at the instance of the petitioner was only Rs.1,400/-. The learned counsel for the petitioner therefore would submit that the impugned prosecution is misconceived and in the absence of any clear evidence that the land from which the trees were cut belongs to the National Highways; the offence of theft would not be made out and sought for quashing of the final report.

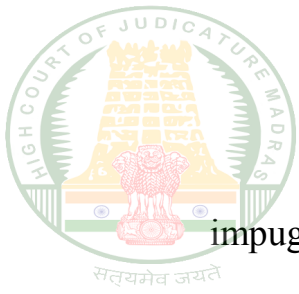


Crl.O.P.(MD) No.14892 of 2024

4. Per contra, the learned Additional Public Prosecutor, would submit that the points raised by the petitioner are factual in nature and irrespective of the value of the trees cut, the petitioner is liable for the offence since the land, as per the prosecution case, belonged to the National Highways and the impugned final report therefore cannot be quashed.

5. It is seen that the defacto complainant himself, after lodging the complaint, had stated that he had wrongly given a complaint against the second accused, who is now no more, stating that he had removed the trees at the instance of the petitioner. It is also not in dispute that the petitioner owns lands adjacent to the National Highways. The value of the property that is said to have been stolen as per the final report is Rs.7000/-, whereas the Revenue Divisional Officer in his findings, in the penalty proceedings dated 31.10.2018, had held that the total value of the trees cut from the land belonging to the National Highways is Rs.1400/-.

6. In the light of the above said facts stated above, since the petitioner himself owns lands adjacent to the National Highways and the prosecution is not clear about the value of the trees, this Court is of the view that the



Crl.O.P.(MD) No.14892 of 2024

impugned prosecution can be quashed as it would fall within the exception provided in Section 95 of the Indian Penal Code.

7. Section 95 I.P.C. reads as follows:

“95. Act causing slight harm —

Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm. “

8. This Court is of the view that taking all the facts into consideration, the contradictions between the police and the revenue officials as to how many trees were cut and where exactly the tree was cut, and since the acts committed by the petitioner even if accepted to be true at best had only caused a slight harm that no person of ordinary sense and temper would complain of such harm no useful purpose would be served in continuing the prosecution. Therefore, the impugned final report in C.C. No.378 of 2024 on the file of Judicial Magistrate, Tenkasi, is hereby quashed.



Crl.O.P.(MD) No.14892 of 2024

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9. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petitions are closed.

11.09.2025

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

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To

1. The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.

2. The Assistant Engineer,
National Highways,
Kadayanallur,
Tenkasi District.

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



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Crl.O.P.(MD) No.14892 of 2024

SUNDER MOHAN, J.

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CRL.O.P (MD) No.14892 of 2024

11.09.2025