



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2026

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.4921 of 2025
and
Crl.MP(MD)No.3576 & 3577 of 2025

1.Prabhu

2.Mariammal

... Petitioners/Accused No.1 & 2

Vs.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.
(Crime No.58 of 2020)

... 1st Respondent/Complainant

2. Archunan,
Forest Range Officer,
Mundanthurai Range,
Mundanthurai,
Tirunelveli District.

... 2nd Respondent/ Defacto Complainant

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records in STC.No.24 of 2022, on the file of the learned Judicial Magistrate, Ambasamudram, and quash the same.

For Petitioners : Mr.T.A.Ebenezer



For Respondents : Mr. B.Thanga Aravindh (R1)
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed under Section 482 CrPC / Section 528 BNSS, seeking to quash the impugned charge sheet in STC.No.24 of 2022, on the file of the learned Judicial Magistrate, Ambasamudram.

2.Considering the nature of the relief sought for, notice to the second respondent is dispensed with.

3. The learned counsel for the petitioners submitted the petitioners are the accused No.1 & 2 in STC.No.24 of 2022, on the file of the learned Judicial Magistrate, Ambasamudram. At the instance of the complainant/Forest Officer, the respondent police registered an First Information Report in Crime No.58 of 2020 for the offences under Sections 294(b), 353 and 506(1) of IPC on 22.03.2020.

4. The learned counsel for the petitioners submitted that both the petitioners are tribal people and they have abused the complainant in filthy



language and obstructed them in exercising their official duties. For which, final report is laid as against them.

5. However, a careful reading of the final report itself would make it clear that no specific overt act to attract the offences under Sections 294(b), 353 & 506(1) of IPC is made out as against the petitioners. Hence, he sought the indulgence of this Court.

6. The learned counsel for the petitioners also pointed out that for the very same offence alleged to have happened on 22.03.2020, the Forest Department had initiated the criminal action in Misc.O.R.No.6 of 2020, which was quashed by this Court in Crl.OP(MD)No.15519 of 2020, dated 08.12.2023. On that line itself, this Criminal Original petition should be allowed.

7. The learned Government Advocate (Crl.Side) categorically contended that the action initiated by the Forest Officials in Misc.O.R.No.6 of 2020 on 22.03.2020 is completely different from the criminal action initiated by the first respondent herein. The said complaint was registered at the instance of the Forest Department for having made constructions allegedly in the forest land. Later, it was identified that the same was not a forest land but an assigned land.



This Court in Crl.OP(MD)No.15519 of 2020, by the order dated 08.12.2023 has quashed the criminal action initiated by the Forest Department. However, giving liberty to the Forest Department to proceed in accordance with law. In this regard, the complainant had given a complaint before the 1st respondent police. On perusal of the video, which was furnished by the complainant and taking note of the fact that clear references under Section 353 of IPC is made out where the petitioners have waylaid the Forest Department officials and had obstructed them from exercising their official duties, Crime No.58 of 2020 was registered which culminated in laying charge sheet.

8. The learned Government Advocate (Crl.Side) also pointed out that there is specific overt act made out as against both the accused and trial has commenced before the Trial Court. P.W.1 to P.W.3 were examined on 05.07.2024 and Ex.P.1 to Ex.P.23 were also marked and sought for dismissal of this petition.

9. Heard the submissions made on either side and carefully perused the materials available on records.



10. It is needless to say, the order passed by this Court in CrI,OP(MD)No.15519 of 2020, dated 08.12.2023 with respect to Forest Department which was later quashed by this Court. However, only at the instance of the very same Forest Officer, the present criminal complaint has been lodged by the first respondent police and criminal action has been initiated as against the petitioners. The examination of P.W.1 to P.W.3 before the Trial Court is not disputed by either parties.

11. This Court is of the considered view that substantial evidence had already come on record and documents have also been marked by P.W.1 to P.W.3, at this stage, this Court cannot conduct a mini trial. This Court, exercising its jurisdiction under Section 528 BNSS, cannot conduct a roving enquiry or mini trial as held by the *Hon'ble Supreme Court* in *Gunmala Sales Private Limited Vs., Anu Mehta and others* ¹. Hence, this Court is not inclined to quash the proceedings.

12. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

¹(2015) 1 SCC 103



13. However, the learned Judicial Magistrate, Ambasamudram, is directed to conclude the trial in S.T.C.No.24 of 2022 as expeditiously as possible within a period of six months from the date of receipt of a copy of this order.

19.02.2026

NCC : Yes / No
Index : Yes / No
dss

TO:-

1. The Judicial Magistrate,
Ambasamudram.
2. The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

dss

Order made in
CrI.O.P.(MD)No.4921 of 2025
and
CrI.MP(MD)No.3576 & 3577 of 2025

Dated
19.02.2026