



W.P.Crl.(MD) No.1761 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.Crl.(MD).No.1761 of 2026

M.Balamurugan

.... Petitioner

Vs.

1. The Chief Secretary
The Secretariate, Chennai - 600 009.
2. The Chief Conservator of Forest,
Office of head of Forest Force,
No.1, Jeenis Road, Saidapet,
Chennai 600 015.
3. The Director General of Police,
No.1, Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.
4. The District Collector,
The Collectorate Buildings,
Theni-625 531.
5. The Superintendent of Police
O/o. The Superintendent of Police,
Theni - 625 531.
6. The District Forest Officer,
Theni Division, KRR Nagar,
Housing Board Colony,
Theni - 626 531.

...Respondents



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Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, to direct the 5th respondent to take criminal actions against the concerned officials of the 6th respondent.

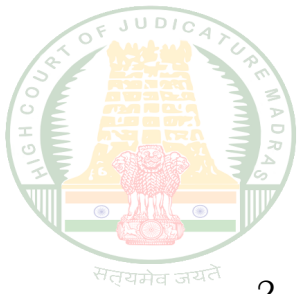
For Petitioner : Mr.V.S.V.Venkateshwaran

For R1,R2, R4 & R6 : Mr.K.Saravanan,
Counsel for Government of TN
(Crl. side)

For R3 & R5 : Mr.D.Rajaboopathy,
Counsel for State of TN (Crl. side)

ORDER

The present writ petition raises a significant issue touching upon the accountability of investigating agencies and the limits of judicial intervention under Article 226 of the Constitution of India. The petitioner, claiming to be a victim of a malicious and false criminal prosecution allegedly engineered by certain forest officials, seeks a writ of mandamus directing initiation of criminal action against the officials concerned.



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2. The Court is thus called upon to balance two competing considerations. On the one hand lies the necessity to protect citizens from arbitrary exercise of power by public authorities. On the other lies the settled principle that criminal prosecution of public servants cannot be directed mechanically merely because an accused has ultimately been acquitted or discharged.

Factual background:

3. The petitioner states that he is an agriculturist owning approximately seven acres of agricultural lands situated in South Gudalur Village, Uthamapalayam Taluk, Theni District. According to him, disputes existed between him and the forest department regarding boundary demarcation and fencing of lands adjoining forest areas. The petitioner alleges that due to such disputes, certain forest officials developed animosity against him and consequently implicated him in Wildlife Offence Report No.1 of 2021 under the provisions of the Wild Life (Protection) Act, 1972.

4. The prosecution case was that forest officials intercepted certain individuals allegedly found in possession of deer meat and



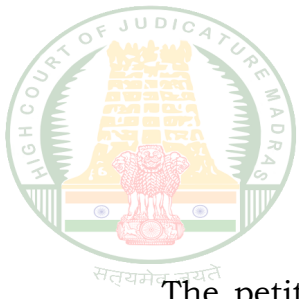
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during the course of investigation implicated the petitioner and his son. The petitioner contends that the investigation proceeded on contradictory versions regarding the manner in which the deer was allegedly hunted, namely, by hunting dogs on one occasion and by use of electric wires on another.

5. The petitioner further alleges that his implication was solely based upon confession statements of co-accused and that no independent incriminating material was available against him or his son. Challenging the registration of the case, the petitioner approached this Court in Crl.O.P.No.3859 of 2022. While disposing of the petition, this Court directed the authorities to conduct investigation in accordance with law.

6. Subsequently, a final report was filed and taken on file as C.C.No.154 of 2022 on the file of the learned Judicial Magistrate, Uthamapalayam. The petitioner challenged the same in Crl.O.P.No. 17538 of 2022. By order dated 18.12.2024, this Court quashed the proceedings insofar as the petitioner and his son were concerned.



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The petitioner asserts that this Court found the allegations against them unsustainable.

7. The petitioner further states that the remaining accused faced trial and were ultimately acquitted by the learned Judicial Magistrate, Uthamapalayam. According to him, the acquittal clearly demonstrated the falsity of the entire prosecution. Thereafter, the petitioner submitted representations dated 31.10.2025 requesting initiation of action against the forest officials concerned. Since no action was allegedly taken, the present writ petition came to be filed.

Petitioner's contentions:

8. The learned counsel for the petitioner would submit that the criminal case was a classic instance of abuse of statutory powers. It is contended that the investigation was vitiated by inherent contradictions relating to the alleged manner of hunting and recovery. It is further contended that the petitioner was implicated solely on the basis of inadmissible confession statements of co-accused.



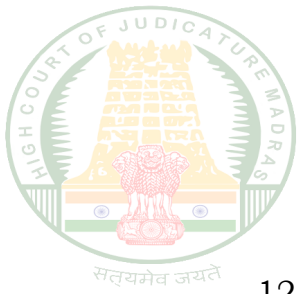
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9. According to the petitioner, the subsequent quashing of proceedings against him and acquittal of the remaining accused establish beyond doubt that the prosecution was malicious and false. The learned counsel would further submit that public servants cannot be permitted to misuse criminal law as an instrument of harassment.

10. It is therefore argued that this Court ought to direct registration of criminal proceedings and disciplinary action against the officials responsible for the alleged fabrication of records and false prosecution.

Respondents' contentions:

11. Per contra, the learned Government Advocate appearing for the respondents would submit that the writ petition is wholly misconceived. It is contended that mere acquittal of accused persons or quashing of proceedings does not automatically establish malice or fabrication by investigating officials.



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12. The respondents would submit that investigation was conducted in discharge of statutory duties under the Wild Life (Protection) Act, 1972. It is further argued that disputed questions regarding alleged fabrication of evidence cannot be adjudicated in a writ proceeding under Article 226 of the Constitution.

13. The respondents would contend that if the petitioner has any grievance regarding commission of cognizable offences by public servants, the remedy lies before the jurisdictional Magistrate under the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is lastly submitted that issuance of a mandamus directing criminal prosecution would amount to usurpation of statutory functions vested in investigative agencies.

14. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

15. The following point arises for consideration whether the petitioner is entitled to issuance of a writ of mandamus directing



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initiation of criminal action against the concerned forest officials solely on the basis of quashing of proceedings against him and acquittal of the remaining accused?

Analysis:

16. The affidavit reveals that the petitioner and his son were initially implicated in Wildlife Offence Report No.1 of 2021. Subsequently, this Court quashed the proceedings against them. The remaining accused were also acquitted after trial. These developments undoubtedly cast serious doubts on the sustainability of the prosecution.

17. Nevertheless, the present writ petition proceeds on the assumption that acquittal or quashing necessarily establishes criminal misconduct by investigating officials. Such an assumption cannot be accepted as a matter of law.

18. Criminal prosecution may fail for a variety of reasons including insufficiency of evidence, procedural irregularities, hostile witnesses or inability of the prosecution to prove guilt beyond



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reasonable doubt. Failure of prosecution, by itself, does not automatically translate into proof of fabrication or malicious intent.

19. Equally, this Court cannot lose sight of the serious allegations made by the petitioner regarding contradictory versions, alleged suppression of facts and improper investigation. If such allegations are true, they would undoubtedly warrant examination by competent authorities.

20. However, determination of whether records were fabricated, statements were concocted or evidence was intentionally manipulated involves disputed questions of fact requiring detailed enquiry. Such an exercise cannot appropriately be undertaken in proceedings under Article 226 on the basis of rival affidavits alone.

21. At the same time, the representations submitted by the petitioner cannot be ignored merely because the respondents dispute the allegations. Administrative authorities are under a duty to examine complaints alleging abuse of official power, particularly



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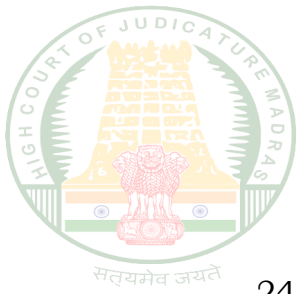
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where the complainant relies upon judicial orders quashing criminal proceedings and subsequent acquittals.

22. Therefore, while this Court is not inclined to issue a direct mandamus for criminal prosecution of the officials concerned, it is of the view that the petitioner's representations deserve objective consideration. The competent authority must independently examine whether any departmental misconduct, procedural impropriety or abuse of power is disclosed from the records of the criminal case. Such examination must be uninfluenced by any observations contained in this order.

Epilogue:

23. The majesty of criminal law rests not merely upon conviction of the guilty but equally upon protection of the innocent. An erroneous prosecution may inflict wounds that remain long after the criminal case itself has ended. At the same time, every unsuccessful prosecution cannot be branded as malicious. Constitutional courts must therefore tread a careful path between accountability and overreach.



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24. Public power is a sacred trust. When allegations of abuse are raised, they cannot be brushed aside. Equally, findings of misconduct cannot be recorded without due enquiry. Rule of law demands both fairness to the citizen and fairness to the public servant.

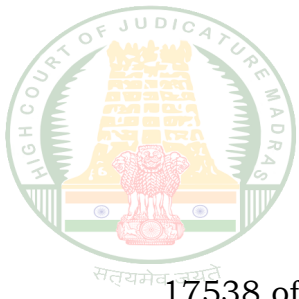
25. In the considered view of this Court, the ends of justice would be met by directing competent consideration of the petitioner's representations rather than issuing a blanket direction for criminal prosecution.

26. In the result, this Writ Petition is ***disposed of*** with the following directions:

(i) The fifth respondent shall consider the petitioner's representations dated 31.10.2025 and all connected materials.

(ii) The fifth respondent shall conduct an appropriate administrative enquiry or cause an enquiry to be conducted through a competent officer.

(iii) While conducting such enquiry, the authority shall examine the effect of the order passed by this Court in Crl.O.P.No.



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17538 of 2022 and the judgment of acquittal rendered by the learned Judicial Magistrate, Uthamapalayam.

(iv) Appropriate orders shall be passed on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

(v) This Court has not expressed any opinion regarding the guilt or innocence of any official concerned.

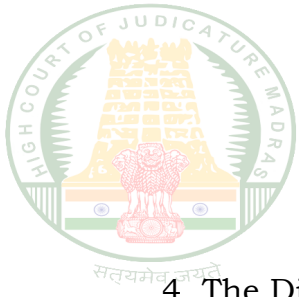
27. With the above directions, the Writ Petition stands disposed of.

08.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

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Theni - 626 531.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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