



2025 INSC 1422

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s) . OF 2025
(@ SLP(CRL.) NO(S) . 14226/2025)

JEYASINGH

Appellant(s)

VERSUS

THE STATE REP. BY THE INSPECTOR OF POLICE,
TAMIL NADU

Respondent(s)

O R D E R

Leave granted.

2. We have heard learned senior counsel, Mr. S. Nagamuthu for the appellant and learned counsel, Mr. V. Krishnamurthy, Senior Additional Advocate General for the respondent-State.

3. Briefly stated, the case of the prosecution is that the appellant, who is accused No. 1 in the present case, was employed as a Forester in the Kottagudi Division, Theni District, Tamil Nadu. He was also entrusted with the additional charge of the Mandal Division.

4. A trekking organisation under the name "Chennai Trekking Club" led by accused No. 3, Peter Van Geit, had, along with other members of the said Club (accused Nos. 4 to 7), in commemoration of Women's Day, organised a group of 27 individuals for a trekking expedition from Kolukkumalai to Kurangani.

4.1 On the morning of 10.03.2018, the trekking group assembled at Theni and reached Kolukkumalai at approximately 6:30 p.m., where they stayed the night at the Kolukkumalai Tea Estate and celebrated Women's Day. The following day, i.e., on 11.03.2018, except for three individuals who refrained from continuing the trek due to foot injuries, the remaining group, led by the Chennai Trekking Club, commenced the journey from Kolukkumalai towards Kurangani. Upon reaching Othamara in the southern part of Kurangani, at around 2:00 p.m., the entire Kurangani region was engulfed in a forest fire. In an attempt to escape the fire, some members of the trekking group fell into a nearby ditch, sustained burn injuries, and subsequently succumbed to death due to smoke inhalation. Other members, who were trapped in the fire, were admitted to various hospitals and later died on different dates due to burn injuries.

4.2 As per the prosecution, on the same day, i.e., 10.03.2018, accused No.2, namely Prabhu, who is also the complainant in the present case, brought another trekking group of 11 people from Erode. On the morning of 10.03.2018, while on their way to Kurangani, the said trekking group purchased trekking passes from Kurangani to Top Station and back for Rs. 200 per person at the Forest Department Check Post in Mundal. Thereafter, appellant/accused No.1 instructed one Ranjith, who was familiar with the area, to accompany the trekking group to Kurangani. Upon reaching

Kolukkumalai, they met the trekking group led by the Chennai Trekking Club and stayed overnight at the Kolukkumalai tea estate. The next morning, i.e., on 11.03.2018, both the trekking groups left for Kurangani. While on their way, information was received that a forest fire was spreading and in order to escape the forest fire, Ranjith guided the group to the restricted forest area. By that time, the forest fire had completely engulfed the area, due to which nine people had died, and the remaining were injured.

5. It is alleged that upon the instruction of appellant, trekking passes were bought for Rs. 200 each by the said group and payment of the same was received by the appellant. Subsequently, accused No. 2, with the appellant's knowledge, guided the trekking group through a prohibited forest area, thereby exposing them to the foreseeable risk of a forest fire on the hill, which later spread due to the wind and resulted in the death of several persons.

6. Based on the aforesaid facts, a complaint was submitted by accused No.2, which came to be registered with Police Station Kurangani, Theni District as FIR No. 18 of 2018 dated 12.03.2018, under Section 174 of the Code of Criminal Procedure, 1973 (for short "CrPC").

7. After the initial investigation, by way of an alteration report, under Section 174 the case of the CrPC was altered into Sections 336, 337, 338 and 304 (Part II) of the Indian

Penal Code (for short "IPC") and Section 21(d) of the Tamil Nadu Forest Act, 1882.

8. On completion of the investigation, a charge sheet bearing FR-79/2018 was filed on 20.06.2018 against three persons, adding the appellant as accused no. 1 and 2 others, namely Prabhu (accused No.2) and Peter Van Geit (accused No.3) under Sections 338, 304 (Part II), 326 and 304A of the IPC.

9. Subsequently, a criminal case bearing S.C. No. 70 of 2019 was committed to the Principal Sessions Court and was later made over to the Additional District Court (FTC), Theni (hereinafter referred to as the "trial court").

10. Thereafter, accused No. 3 had filed a petition bearing CrI. O.P. (MD) No. 3591 of 2019 under Section 482 of the CrPC before the High Court. However, the High Court, by order dated 30.08.2022, dismissed the quashing petition. Aggrieved by the order of dismissal, accused No.3 approached this Court by filing SLP(CrI) No. 3226 of 2023 (now Criminal Appeal No. 369 of 2024). This Court, by order dated 23.01.2024, allowed the appeal and consequently quashed the proceedings as against accused No.3 in S.C. No. 70 of 2019 with the following observations:

"We have perused in detail the First Information Report dated 12.03.2018 as well as the charge-sheet filed on 20.06.2018. The charges as against the appellant herein are only under Sections 304 A and 338 IPC. Section 304 A deals with causing death by negligence and Section 338 deals with causing

grievous hurt by an act endangering life or personal safety of others. The said sections read as under:

304A. Causing death by negligence— Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

338. Causing grievous hurt by act endangering life or personal safety of others— Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

We fail to understand as to how these Sections could have been invoked against the appellant herein inasmuch as admittedly the persons who were part of the trekking expedition died owing to a forest fire which is an instance of vis major. No negligence could have been attributed to the appellant herein who only facilitated the organization of the trekking expedition. As already noted, the organizers as well as the appellant herein and even the members of the trekking expedition were totally unaware of the forest fire as such. Accidentally they were engulfed in the forest fire and they died by sheer accident and not owing to any negligence or any criminal intent attributable to the appellant herein. The appellant herein had no role whatsoever in causing the death of the trekkers who died due to a forest fire which is a natural cause.

On that short ground alone, we find that the invocation of Sections 304 A and 338 IPC as against the appellant herein was wholly unwarranted. The High Court ought to have quashed the FIR, the charge sheet as well as proceedings in SC No.70/2019."

11. Meanwhile, the appellant had also filed a discharge petition bearing M.P. No. 1 of 2024 in S.C. No. 70 of 2019 before the trial court. The trial court, by order dated 28.10.2024, dismissed the said petition on the ground that a *prima facie* case was made out against the appellant and strong material was available against him in the police report.

12. Being aggrieved, the appellant filed a revision petition bearing CrI. R.C. (MD) No. 1286 of 2024 before the High Court. By the impugned order dated 03.06.2025, the High Court dismissed the revision petition. While referring to this Court's judgment dated 23.01.2024 in Criminal Appeal No. 369 of 2024 whereby the proceedings in S.C. No. 70 of 2019 against accused No.3 were quashed, the High Court observed that the said decision to quash the case against accused No.3 was specific to the lack of negligence attributed to him under Sections 338 and 304A of the IPC, and as such the said ruling did not imply that the entire case herein should be quashed due to the incident being an instance of *vis major*. Furthermore, the High Court, while taking note of the fact that accused No.3 had invoked the jurisdiction under Section 482 of the CrPC, whereas the appellant herein had invoked Section 227 of the CrPC claiming discharge, held that both the said actions were distinct and the nature and scope of enquiry in both the cases were entirely different. The High Court therefore

found force in the contention raised on behalf of the prosecution that the Supreme Court's decision to quash the case against accused No.3 did not automatically entitle the appellant to discharge inasmuch as serious charges under Sections 304 (Part II) and 326 of the IPC were framed against him, thereby distinguishing his case from that of the case of accused No.3. Upon consideration of the statements of witnesses recorded under Section 161(3) of the CrPC, the High Court held that a specific role was alleged against the appellant as well as his watcher Ranjith. Taking note of the statements of the prosecution witnesses with respect to the appellant's role, the deployment of Ranjith to accompany the trekking group from Erode led by accused No.2 and the fact that the appellant received the trekking fees in his personal account, the High Court held that there was sufficient material available to proceed against the appellant. While holding that the trial court dismissed the discharge petition preferred by the appellant without considering the grounds, the High Court, however, observed that the same by itself could not be a ground to set aside the order of the trial court. According to the High Court when there was sufficient material available to proceed against the appellant in the present case.

13. Being aggrieved, the appellant is here before this Court.

14. During the course of arguments, Sri Nagamuthu, learned senior counsel brought to our notice the order dated 23.01.2024 passed in the case of *Peter Van Geit vs. The State Rep. by Inspector of Police & Anr.* in Criminal Appeal No. 369 of 2024 who was accused No.3 in S.C. No.70 of 2019. He contended that in the said order, this Court quashed the First Information Report dated 12.03.2018 as well as the chargesheet filed on 20.06.2018 under Sections 304A and 338 of the IPC insofar as the appellant therein was concerned. But, in the instant case, insofar as the appellant herein is concerned who was only discharging his duties as a Forest Ranger in Kottagudi Forest Division and was also holding additional charge of the Mandal Division, the chargesheet has invoked Sections 304 Part II and 338, 326 and 304A of the IPC even though the said provisions do not arise at all, and hence the very invocation of the said provisions is erroneous.

15. Learned senior counsel appearing for the respondent-State, however, contended that the High Court has rightly upheld the order of the Sessions Court in dismissing the application filed for seeking discharge and that there is no merit in this Appeal.

16. We, however, find force in the arguments of the learned senior counsel for the appellant. We are also persuaded to follow our earlier order dated 23.01.2024 as the reasoning therein would squarely apply in the instant

case also. Although Sections 304A and 338 of the IPC are invoked with regard to *Peter Van Geit* (supra), accused No.3 therein, the observations made therein squarely apply in this case also. Also, Sections 304 Part II and Section 326 read as under:

"304. Punishment for culpable homicide not amounting to murder.—Whoever commits culpable homicide not amounting to murder shall be punished with [imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death;

or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

326. Voluntarily causing grievous hurt by dangerous weapons or means.—Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with 1 [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

We have perused the ingredients of the said Section(s). It applies only when there is commission of culpable homicide not amounting to murder and when the said Act is done with the knowledge that it is likely to cause death but without any intention to cause death or to cause such bodily injury as is likely to cause death.

In the instant case, we have held that the death occurred owing to a forest fire which is in the nature of a vis majeure, therefore, the said Section does not apply to the facts of the case.

Moreover, Section 326 deals with voluntary causing grievous hurt by dangerous weapons or means. We fail to understand as to how the said Section applies in the instant case as we reiterate that the deaths occurred in the instant case owing to the forest fire.

We have also observed in Special Criminal No.3226 of 2023 (now Criminal Appeal No.369 of 2024) that Sections 304A and 338 also did not apply to the appellant - accused No.3 therein.

In the circumstances, we find that the Sessions Court as well as the High Court ought to have discharged the appellant herein rather than holding that the appellant - accused had to face the trial merely because he was employed as a Forester in Kottagudi Division, Theni District, Tamil Nadu.

17. Consequently, the application filed by the appellant herein seeking discharge is allowed by setting aside the impugned orders of the High Court as well as the Sessions Court. The appellant is discharged from the offences alleged against him.

18. The appeal is allowed in the aforesaid terms.

19. Pending application(s), if any, shall stand disposed of.

.....J.
(B.V.NAGARATHNA)

.....J.
(R.MAHADEVAN)

NEW DELHI;
NOVEMBER 18, 2025