



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

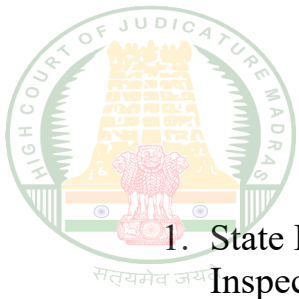
CRL OP No. 16770 of 2023

AND

CRL MP NO. 10788 OF 2023,CRL MP NO. 10789 OF 2023

1. Ravikumar
S/o.Palani,
No.242, Thumbu Chetty Street, Mannadi,
Chennai 600001.
2. Rajasekaran
S/o.Palani,
No.54, Mannadi Street, Chennai 600 001.
3. Selvam
S/o. Manickam,
No.8A, K.K.Nagar, 3rd Street, Tirumullaiyayal,
Chennai 600043.
4. Bhuvaneswar
S/o. Dayalan,
No.57, 4th Main Road, Gopalapuram,
Pattabiram, Chennai.
5. Kannan
S/o.Vellimalayan,
No.10/13, Manickam Vinayakar Koil Streetl,
Ramapuram, Ambathur, Chennai 600053.
6. Arunkumar
S/o. Janakiraman,
No.5, Thiyagaraja Street, Aparna Nagar,
Iyyappanthangal, Chennai.
7. Pradeep
S/o. Chandramohan,
No.75-B, Vittal Street, Gnanamoorthy Nagar,
Ambathur, Chennai 600053.

..Petitioner(s)



Vs

1. State Rep By
Inspector Of Police Law And Order, R3, Ashok
Nagar Police Station, Chennai.

2. Chandrakumar.S
S/o. Late Sakthivel,
No.11/1, Plot No.10, Subramaniya Nagar
Main Road, Kodambakkam, Chennai.

..Respondent(s)

PRAYER

Criminal Original Petition filed under Sec.482 of Cr.P.C., praying to call for the records relating to the chargesheet in CC.NO. 3824/2012 on the file of the Honble 17 Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner(s): Mr.S.Senthilnathan

For Respondent(s): Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side) for R1

R2 – No appearance

ORDER

1. This Criminal Original Petition is filed to call for records relating to the charge sheet in C.C.No. 3824 of 2012 on the file of learned XVII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

2. Upon hearing the learned counsel for petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for 1st respondent, the gist of allegations against the petitioners is that the ground floor of a particular



property is belonged to the de facto complainant. When the de facto complainant was away and his relative was staying in the house, all these accused posing themselves as an advocate and wearing black coat etc. came as a group and broke open the rear side door and started occupying the property. They have also hit the relative, who was staying in the house with an iron rod and chased him away. The de facto complainant though immediately tried to lodge a complaint one day after the incident, considering the fact that the suitcase of their relative, who had come from abroad was also taken away from the site, by demanding the same, so that, relative's passport should be given back to them and so that they will return back to Switzerland, on the advice of the counsel, he was involved in negotiation and asked the police not to take action. Thereafter, in the month of November, the complaint is given. Based on which, the First Information Report is registered. After investigation, the charge sheet is laid in C.C. No.3824 of 2012. Aggrieved by which, the present petition is filed.

3. The learned counsel for the petitioner would submit that the entire issue is civil in nature and already the suit is pending in O.S. No. 1152 of 2007 and subsequently, another civil suit, which was originally pending before this Court is also now transferred to the file of the City Civil Court and the parties are contesting the matter. The allegation of the de facto complainant is that he is the owner of the ground floor of the property. But through his power of attorney



agent, already the property is also acquired by the second petitioner and the rights with reference to the property is at large before the Civil Court.

Therefore, only to exert pressure, the civil case is dressed up as a criminal case and a belated complaint after two months is lodged. In any event, it can be seen that there is no serious injury to the victim in this case. Further the summons itself was served only in the year 2023 after a long number of years. At this point of time, if the proceedings are continued, the same will be oppressive on the petitioners and the same also violates the right to speedy trial of the petitioners under Article 21 of the Constitution of India.

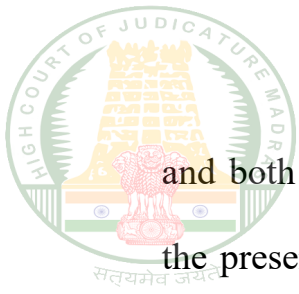
4. The learned Counsel for Government of Tamil Nadu (Criminal Side) would submit that in this case, there is a clear evidence about the incident and the injured person was taken to the Government General Hospital, Royapettah and the AR copy is also marked and the Doctor statement for treating the injured person is also recorded.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. In view of the fact that the injured person reported to the Royapettah Hospital immediately and he was treated on the next day, the Doctor, who gave the treatment was also examined, there is some material against these petitioners



to proceed. However, it cannot be said that the matter is completely civil in nature. the major conflict between the petitioners is civil in nature with reference to the ownership of the property. What is being in the issue in this criminal proceeding is with reference to the alleged taking of possession by causing injury to the relative of the victim. Therefore, in that regard, when some materials are there to proceed against the petitioners, the matter cannot be interfered at this stage. With reference to the other contention that there is a delay, it is true that there is a delay in lodging the F.I.R. but however since the AR copy is on the very next day of the incident, at this stage, it cannot be concluded by this court that the entire F.I.R. is an afterthought. The P.W.1 has to be cross-examined by the petitioners and the reasons for delay has to be elicited and thereafter only, the court can conclude one way or the other. Similarly, the final report is also immediately filed. In fact, all the accused were also arrested on the heels of the F.I.R. Therefore, when the allegations are made about physical possession being taken by coming as a group, the factual aspects that is argued by the learned counsel for the petitioner have to be gone into only in the trial. However, considering the delay that has already happened, the same can be redressed by directing the trial court to expedite the proceedings. The police can serve the summons on the listed witnesses and since it is stated that there are totally 15 witnesses, the trial shall be completed within a period of eight months from the date of receipt of the web copy of the order. The police shall serve the summons promptly on the date as mentioned by the trial court



and both sides shall cooperate for the inquiry. Considering the efflux of time, the presence of the petitioners before the trial court shall stand dispensed with except for certain necessary hearings as may be insisted by the trial court.

7. This Crl.O.P. No.16770 of 2023 is accordingly disposed of. Consequently, the connected petition in Crl.M.P.No. 10789 of 2023 is ordered and the petition in Crl.M.P.No. 10788 of 2023 is closed.

22-07-2026

Neutral Citation: Yes/No

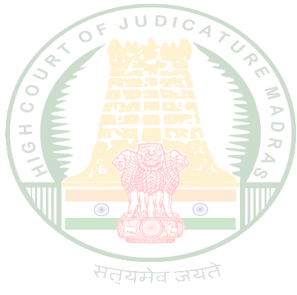
RPP

To

1. The XVII Metropolitan Magistrate,
Saidapet, Chennai.

2. The Inspector of Police (L & O),
R-3 Ashok Nagar Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Madras.



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CRL OP No. 16770 of 2



D.BHARATHA CHAKRAVARTHY J.

RPP

**CRL OP No. 16770 of 2023
AND
CRL MP NO. 10788 OF 2023,
CRL MP NO. 10789 OF 2023**

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