

Crl.OP(MD).No.6370 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 07.07.2026

ORDER PRONOUNCED ON : 28.07.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.6370 of 2026

and

Crl.M.P(MD)No.6891 of 2026

C. Selvam

...Petitioner/Accused No.1

Vs

1.State of Tamilnadu,
Rep by the Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
Crime No.482/2025.

...1st Respondent/Complainant

2. R.Chitra

...2nd Respondent/Defacto Complainant

3.P.K.Manoj Kumar

...3rd Respondent

(R3 is suo motu impleaded vide Court order dated 04.06.2026)

PRAYER: Petition is filed under Section 528 of BNSS, 2023, to call for the First Information Report in connection with Crime No.482 of 2025 on the file of the Inspector of Police, Avaniyapuram Police Station, Madurai City and quash the same as illegal and devoid of merits.



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For Petitioner : Mr.S.Suresh Kumar Isaac Paul

For Respondents : Mr.P.Samuel Gunasingh
Government Advocate(crl.side) for R1

:Mr.N.Sathish Babu for R2

:Mr.R.Palanikumaran for R3

ORDER

The present petition has been filed by accused No.1 in Crime No.482 of 2025 on the file of the first respondent police seeking to quash the F.I.R wherein the petitioner is alleged to have committed the offence under Sections 329(2), 296(b) and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023.

(A).Factual Matrix:

2.The sum and substance of the F.I.R is that the defacto complainant is the Assistant General Manager of a construction company and according to them, they had purchased an extent of 28 cents in Survey No.393/2 on 12.06.2025. It is further contended that the company has entered into a registered sale agreement on 12.06.2025 and two unregistered sale agreements on 06.09.2025 from the owners of the property. It is further alleged in the F.I.R that on 23.06.2025 when the employees of the company attempted to clean the property, the petitioner and others trespassed into the property, abused them and driven them away using their henchmen.



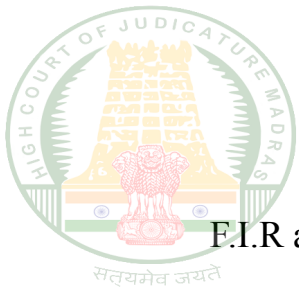
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3.As per averments in the F.I.R, the lands have been handed over by original owner to them and these persons does not have any right or interest over the property. Based on the said allegations, the F.I.R has been registered as against the petitioner and other persons under Sections 329(2), 296(b) and 351(2) of BNS.

(B).Submissions of the learned counsels appearing on either side:

4.According to the learned counsel appearing for the petitioner, the petitioner is doing real estate business and at the request of the owners/co-sharers of the entire property, measuring 11.36 acres, he has been requested by the owner to clear the entire property and make it ready, so that the owners of the property could enter into the sale agreement or sale deed with their prospective purchasers.

5. The learned counsel had further submitted that the defacto complainant's company had purchased only 28 cents in the middle of 11.36 acres without any pathway. The other sale agreements alleged are only relating to undivided extent without any averments with regard to granting of possession. Therefore, according to the petitioner, the defacto complainant who had purchased 28 cents in the middle of 11.36 acres, made an attempt to encircle the whole of the property and put up a board that the entire property belongs to the company and therefore, it was resisted by the petitioner herein. In such circumstances, the ingredients of the offence as pointed out in the



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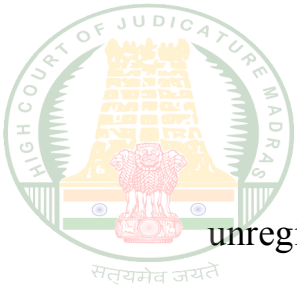
E.I.R are not made out.

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6.Since the petitioner herein had claimed that he is only engaged by the original owner of the property, and functioning as a care taker, this Court has directed to implead one of the co-owners as third respondent.

7.The third respondent had filed an affidavit before this Court contending that the petitioner herein had cleared the entire properties and elevated the ambience of the properties with the knowledge and with the consent of the co-owners, he had constructed and fixed compound wall and compound wall gates. The petitioner was permitted by the co-owners to enter and stay in the property for its safety. It is further averred in the affidavit that the petitioner is a facilitator and intermediary on behalf of the co-owners in connection with the sale of their respective undivided shares. It is further averred in the affidavit that the petitioner had acted only under the authorities and instructions of the co-owners and within the scope of the permission granted by them, with the knowledge, permission and authorisation of the co-owners.

8.Per contra, the learned counsel appearing for the defacto complainant had contended that they had purchased a huge extent of property under a registered sale deed dated 12.06.2025 for an extent of 28 cents and 249 sq.ft in Survey No.393/2. They have also entered into another sale agreement for an undivided extent in Survey No.393/5 on 12.06.2025. There are two more



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unregistered sale agreement dated 06.09.2025 executed by one Jeyamani and other by one Ravindranath on 06.09.2025. The possession was handed over to them pursuant to the said sale agreement. The petitioner herein is trying to encroach upon the property claiming that he is the cultivating tenant of the property. According to the defacto complainant, the cultivating tenancy rights have already been cleared.

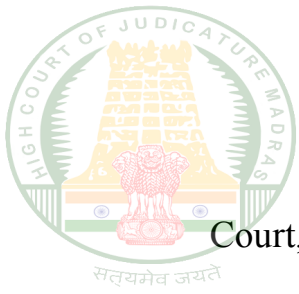
9.The learned counsel for the defacto complainant had further submitted that the petitioner is not having any right whatsoever over the property, had trespassed into the property and threatened the employees of the defacto complainant company. He had further submitted that the investigation is in the nascent stage and therefore, no grounds have been made out for quashing of the F.I.R.

10.Heard the learned counsels appearing on either side and perused the material records.

(C).Discussion:

11.It is not in dispute by either of the parties that the total extent of the land is 11 acres and 36 cents. Out of the said extent, the petitioner company had purchased 28 cents in Survey No.293/2 under a registered sale deed dated 12.06.2025.

12.A perusal of the records reveals that the defacto complainant company has filed a suit in O.S.No.13 of 2026 before the District Munsif



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Court, Madurai Taluk for permanent injunction. In the said case, apart from the owners of the properties, the present petitioner is also arrayed as one of the defendants. The said suit has been filed for two schedule of properties each having an extent of 1 acres and 21 ½ cents. The said suit has been filed based upon an unregistered sale agreement dated 06.09.2025.

13.It could also be seen from the records that the defacto complainant company had filed O.S.No.555 of 2025 on the file of the VI Additional District and Sessions Court, Madurai seeking specific performance and permanent injunction and the same is pending. Further, the sale agreement cited in the F.I.R clearly points out that the possession is not handed over to the defacto complainant company. In such circumstances, those sale agreements relate to undivided shares in the 11.38 acres of the disputed properties and possession has not been handed over to the defacto complainant.

14.In the light of the above said factual position, we have to consider whether the allegations with regard to criminal trespass, obscene acts and songs, criminal intimidation are made out or not.

15.As far as the allegations under Section 296(b) of BNS are concerned, no specific obscene words has been stated in the F.I.R and therefore, the ingredients of the above said sections are not attracted.

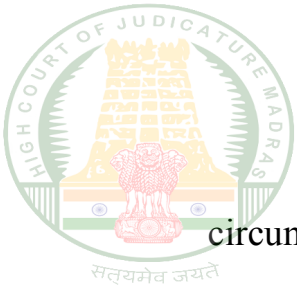


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16.As far as the allegations under Section 351(2) of BNS, 2023 relating to criminal intimidation are concerned, the Hon'ble Supreme Court in a judgment reported in **2026 SCC Online SC 1347 (Mani @ Subramaniam Vs.State Rep.by the Deputy Superintendent of Police)** has held that mere use of threatening words during a course of altercation without proof with an intention to cause alarm to the complainant would not be sufficient to bring in the application of charges of criminal intimidation.

17.As far as the allegation under Section 329(2) of BNS are concerned, the facts narrated above will clearly indicate that the defacto complainant company is not in possession of the property for an extent of 11.36 acres except with regard to 28 cents. The rest of the possession claimed by the defacto complainant is based upon sale agreements which clearly point out that the possession has not been handed over to the company. That apart, at least three civil suits are pending between the parties for permanent injunction and specific performance and therefore, there is a serious dispute with regard to the possession of the property.

18. One of the co-owners of the properties had filed an affidavit before this Court to the effect that only under their instruction, the petitioner has cleared the properties and he is acting as a facilitator and caretaker of the properties. It is further stated in the affidavit that the actions of the petitioner are with the knowledge and approval of the co-owners. In such



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circumstances, the ingredients of 329(2) of BNS also does not get attracted.

WEB COPY **(D).Conclusion:**

19.In view of the above said deliberations, continuation of the criminal proceedings as against the petitioner herein for the alleged offence under Sections 329(2), 296(b) and 351(2) of BNS, 2023 would only be an abuse of process of law, with an intention to give criminal colour to the civil dispute between the parties. Therefore, the F.I.R in Crime No.482 of 2025 on the file of the first respondent police stands quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

28.07.2026.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa



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To

1.The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
Crime No.482/2025.

2.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

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