



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2016

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Criminal Original Petition (MD) No.4704 of 2016

1.A.Kathiresan
2.K.Balasudha
3.D.Ramesh Babu

... Petitioners/A1 to A3

vs.

1.The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

... Respondent/Complainant

2.A.Kumarasen

.. Respondent/Defacto complainant

PRAYER: This petition is filed under Section 482 Cr.P.C to call for the records pertaining to the First Information Report in Cr.No.20 of 2016, dated 22.01.2016 U/s. 447, 294(B), 506(ii) of I.P.C. and Section 3 of TNPPDL Act on the file of the Respondent No.1 and quash the same as illegal in so far as the petitioners are concerned.

For Petitioners : Mr.I.Pinaygash

For Respondent : Ms.S.Prabha, G.A.(Crl.Side) for R1

O R D E R

It is the case of the defacto complainant that, on 20.01.2016, the petitioners herein, tried to take forcible possession of his property by breaking the fence and causing damage. On hearing of it, when the defacto complainant went to the spot, he was intimidated. Based on the complaint given by the defacto complainant, the respondent police registered a case in Cr.No.20 of 2016 for the offences under Sections 447, 294(b), 506(ii) IPC and Section 3 of TNPPDL Act.

2. Mr.I.Pinaygash, learned counsel for the petitioners submitted that the First Information Report is abuse of process of law, inasmuch as the petitioners have purchased the property and that the petitioners filed a suit in O.S.No.202 of 2015 before the Sub Court, Vallioor against the defacto complainant and in E.A.No.1070 of 2015, the Sub Court had granted an order of interim injunction restraining the defendant therein (defacto complainant)



from interfering with the possession of property.

3. In the considered opinion of this Court, it cannot be stated that an interim injunction decides the title of possession of the defacto complainant exclusively. Hence, that cannot be a reason to quash the First Information Report. This Court is of the view there are prima facie materials to proceed with the investigation and the Deputy Superintendent of Police, Vallioor, Tirunelveli District, is directed to monitor the investigation. The investigation officer shall bear in mind that the petitioners have obtained interim injunction as stated above.

4. With the above observations, this criminal original petition is disposed of. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Deputy Superintendent of Police,
Vallioor, Tirunelveli District.
- 2.The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.15452
jikir
AA/SKS-RR/31.03.2016/2p-5c

Cr1.O.P(MD).No.4704 of 2016
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