

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 18.09.2017**

**CORAM:**

**THE HONOURABLE MR. JUSTICE M.S.RAMESH**

**Crl.O.P.No.8186 of 2017**  
**and Crl.M.P.No.5896 of 2017**

1.P.Chandrasekaran  
 2.C.Suseela  
 3.C.Damodaran

.. Petitioners

Vs.

1.The Inspector of Police,  
 J-12, Kanathur Police Station,  
 ECR Road, Kanathur,  
 Muttukadu,  
 Chennai-603 112.

2.S.Sambandam

.. Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the CSR.No.407 of 2016 dated 17.12.2016 on the file of the Inspector of Police, J-12, Kanathur Police Station, ECR Road, Kanathur, Muttukadu, Chennai and to quash the same.

For Petitioner : Mr.Silambanan, Sr. Counsel  
 Nos.1 & 2 for Ms.Kaviya Silambanan

For Petitioner : Mr.Senthamilselvan  
 No.3

For Respondent-1 : Mr.P.Govindarajan, APP

For Respondent-2 : Mr.R.Krishnamurthy, Sr. Counsel

**ORDER**

The prayer in the present petition is for quashing the complaint given by the second respondent, wherein the second respondent's grievance was that the petitioners herein had trespassed into the property comprised in plots bearing Nos.13 to 16 situated in old S.No.99/5C as per patta No.422 new S.No.99/5C1C2A1, Muttukadu Village, Thiruporur Taluk, Kancheepuram District.

2.Heard the learned counsel for the parties.

3.Today, I had by an order dated 18.09.2017 made in W.P.771 of 2017 directed the Assistant Commissioner, Nelangarai, the respondent herein to extend police protection to the second respondent herein and his family members for the purpose of enjoying the suit property. In the aforesaid order, I had also observed that the petitioner and his family members had proved beyond doubt that they were in possession of the subject property. While that being so, the present petition seeking for quashing of the

present complaint made by the second respondent for having trespassed into the property by the petitioner herein cannot be maintained. The only ground raised in the petition for quashing the complaint is that the second respondent is not in possession of the property. This ground has been negated by me in my order passed in W.P.No.771 of 2017 dated 18.09.2017 and hence, the prayer to quash the complaint does not deserve consideration.

4.In the result, the criminal original petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

18.09.2017

Index:Yes/No  
DP

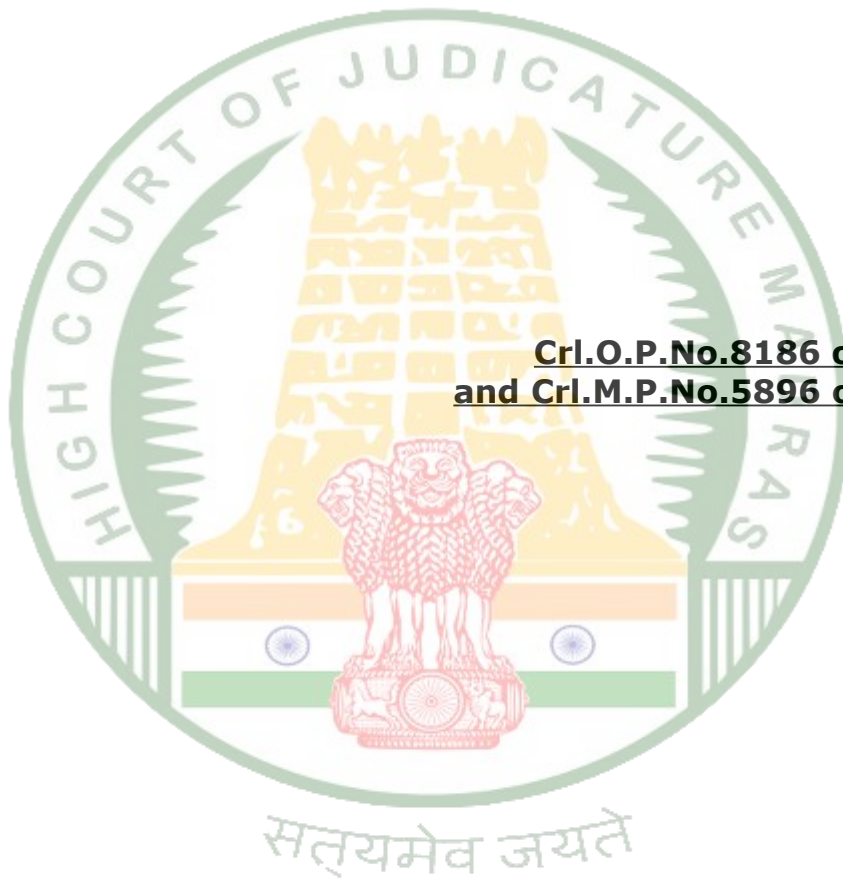
To

1.The Inspector of Police,  
J-12, Kanathur Police Station,  
ECR Road, Kanathur,  
Muttukadu,  
Chennai-603 112.

2.The Public Prosecutor,  
High Court, Madras.

**M.S.RAMESH.J,**

DP



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