



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 21.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.1759 of 2016

and

CrI.M.P. (MD) No.904 of 2016

WEB COPY

1.M.Rajasekaran  
2.M.Ramu @ Rajaramanathan  
3.R.Selvamani  
4.R.Rengarajan : Petitioners

-Vs-

1.State rep. by,  
The Inspector of Police,  
Jeeyapuram Police Station,  
Trichy District.  
(Crime No.250 of 2014).

2.S.Prabakaran : Respondents

**PRAYER:** Petition is filed under Section 482 of the Criminal Procedure Code to call for the records and quash P.R.C.No.19 of 2015 on the file of the learned Judicial Magistrate No.III, Trichirappalli.

For Petitioners : Mr.V.Illanchezian  
For Respondent No.1: Mr.K.Anbarasan,  
Government Advocate (Crl.side)

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**ORDER**

On the complaint lodged by one Prabakaran, the respondent police registered a case in Crime No.250 of 2014 on 17.11.2014 and after completing the investigation, has filed a charge sheet in P.R.C.No.19 of 2015 on the file of the learned Judicial Magistrate No.III, Tiruchirappalli, under Section 447 of the Indian Penal Code r/w Section 3 of TNPPDL Act against M.Rajasekaran (A-1), M.Ramu @ Rajaramanathan (A-2), R.Selvamani (A-3) and R.Rengarajan (A-4), challenging which, the accused are before this Court.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal side) for the first respondent.

3. On a reading of the charge sheet, it is seen that the property in question was purchased by Nirmala on 22.04.2009 by document No.1231/2009 and that she and her husband Prabakaran had put up a fence around the property. While so, it is alleged that



these accused had illegally trespassed into the said property on 30.09.2014 and had installed a Amman statue in order to create a law and order problem and communalize the whole issue.

4. The learned counsel for the accused submitted that the property in question is a public property and that the suit in O.S.No.1107 of 2014 is pending before the District Munsif Court, Tiruchirappalli.

5. In the considered opinion of this Court, the pendency of the suit cannot be a bar for the trial to go on, inasmuch as the allegation in the charge sheet is that the accused have caused damage to the fence and other items to the tune of Rs.1,06,000/- and have surreptitiously installed a Amman idol in the said property. Had the accused wanted to establish their rights, they must have gone to the Civil Court at the earliest, instead of adopting such illegal methods and communalize the whole situation. That apart, it is seen that the first accused is an Ex.M.L.A., against whom, the defacto complainant is fighting a losing battle.

6. In the result, there are sufficient materials for the trial to proceed and hence, this petition is dismissed. The Trial Court is directed to complete the committal proceedings, within a period of three months from the date of receipt of a copy of this order, failing which, arrest warrant shall be issued to the accused and they be remanded to custody and the matter be committed to the Sessions Court. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.III,  
Trichirappalli.

2.The Inspector of Police,  
Jeeyapuram Police Station,  
Trichy District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.V.Illanchezian Advocate in SR. NO.61776

SML

JS/KP/SAR.1/4.7.2017/2P-5C