

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.8664 of 2013

1. Meena Kothari
2. Praveen Kothari

...Petitioners

Vs.

1. State by
Sub-Inspector of Police,
Central Crime Branch -II Team,
ALGSC-II, Chennai Police,
Chennai- 600 008.
2. K.Rangarajan
(2nd respondent /defacto complainant
is impleaded as per order in
Crl.MP.No.11266 of 2018
Crl.OP.No.8664 of 2013
dated 28.08.2018)

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in X.Cr.No.168 of 2012 pending on the file of the respondent and quash the same.

For Petitioners : Mr.M.Mohidheen Pichai
for Mr.S.Mohan

For Respondents : Mr.T.Shunmuga Rajeswaran for R1
: Mr.R.Amizhdhu for R2

ORDER

This petition has been filed by the accused Nos.1 and 2 to quash the FIR in Crime No.168 of 2012 on the file of the first respondent.

2. The learned counsel for the petitioners has submitted that the first petitioner has purchased the property measuring about 36 cents in survey Nos.481/3A1A, presently 481/8 under a registered sale deed dated 22.02.2006. He further submitted that the second petitioner has purchased 9 cents under a sale deed

dated 22.02.2006. He further submitted that the second respondent gave a complaint stating that he had purchased the property measuring about 5130 sq.ft situated in Survey No.481/3 under a sale deed dated 26.02.2009 and the petitioners have put up a compound wall encroaching a portion of his property. He further submitted that the petitioners have not encroached the second respondent's property and they have put up compound wall only for their properties which were purchased by them. He further submitted that if the second respondent is having any right in the property which was purchased by the petitioners, he should have filed a civil suit and work out his remedy and instead of that, he lodged a complaint before the first respondent stating that the petitioners have committed criminal offence and hence he requests to quash the above FIR.

3. The learned Government Advocate (Crl.Side) has submitted that the petitioners have encroached the property of the second respondent and constructed the compound wall and subsequently gave a power of attorney for 4583 sq.ft to one Rajan and the said Rajan has sold the property to his wife Ramalakshmi. He further submitted that the investigation is in progress and hence, he opposed for quashing the F.I.R.

4. The learned counsel for the second respondent has submitted that after lodging the complaint, the second respondent has measured his property and taken possession of this property and also put up a compound wall surrendering his property and now he has also put up a shed in his property.

5. Considering the aforesaid submissions, this Court is of the view that the dispute is purely civil in nature that too with regard to the boundaries. Now the learned counsel for the second respondent has submitted that the second respondent has measured his property and put up a compound wall surrounding his property. Therefore, this court is inclined to quash the FIR. It is open to the parties, that if there is any dispute with regard to boundary, title possession, etc., to approach the civil court and obtain appropriate relief.

6. With the aforesaid observations, this petition is allowed and the FIR is quashed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vv

To

1. The Sub-Inspector of Police,
Central Crime Branch -II Team,
ALGSC-II, Chennai Police,
Chennai- 600 008.

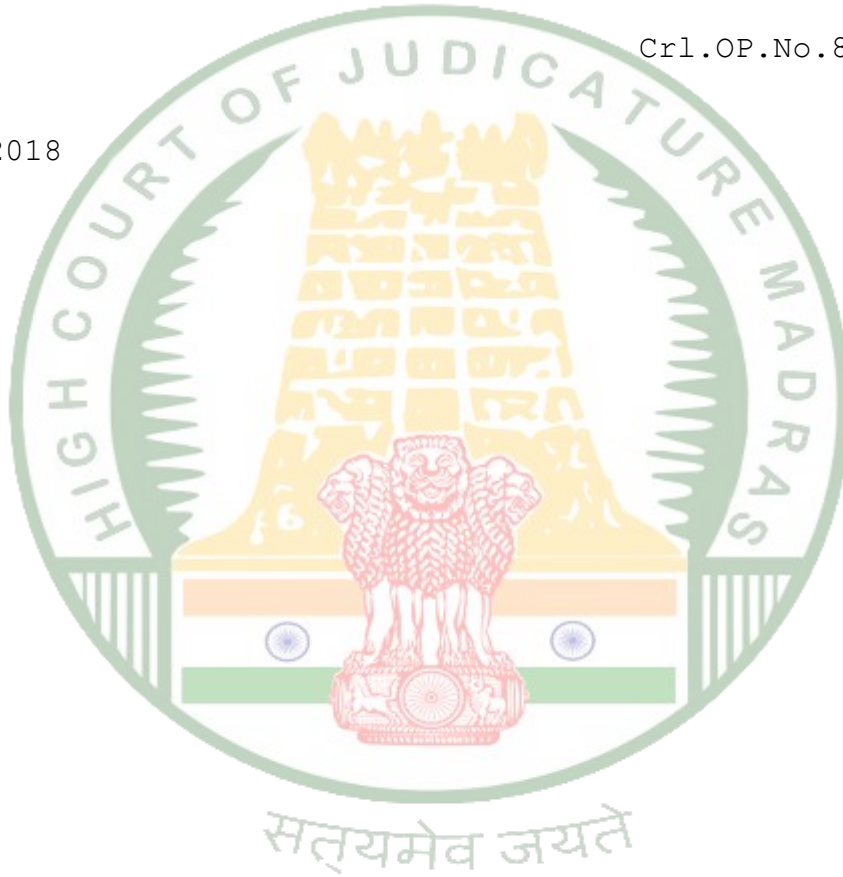
2. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.S.Mohan, Advocate, S.R.No.67892

+1cc to Mr.R.Amizhdhu, Advocate, S.R.No.68480

Cr1.OP.No.8664 of 2013

VGI (CO)
CS/29/10/2018



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