

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 19479 of 2014
and M.P.No. 1 of 2014

1. P.Perumal
2. A.P.Kulandaivelu
3. Marimuthu ... Petitioners

Vs.

1. The Inspector of Police,
Thiruchegode Police Station,
Namakkal District.
(Crime No. 2 of 2014)
2. Rajammal ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the entire records pertains to the Crime No.2 of 2014 registered on the file of the first respondent police and to quash the same.

For Petitioners : Mr.J.Ramakrishnan

For Respondents

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2 : No appearance

ORDER

This petition has been filed to quash the FIR in Crime No. 2 of 2014 on the file of the first respondent registered for the offences under Sections 147, 447 and 379 of IPC.

2. On perusal of records it is seen that the subject matter of the property was inherited by the first petitioner and he sold out his share in favour of the second petitioner by a sale deed dated 12.02.2010. From the year 2011, there are civil suites pending between the petitioners and the second respondent herein in O.S.No.275 of 2011 and O.S.No.120 of 2013 on the file of the learned Principal District Judge, Thiruchengode. The second respondent also filed another suit in O.S.No.277 of 2011 before the same Court for declaration and consequential reliefs. Apart from that the second respondent filed another suit in O.S.No.80 of 2012 for partition and obtained consent decree against the

counterparts. It is also seen that the said consent decree was challenged by the second respondent to declare the said decree as null and void.

3. Admittedly, all the suits are pending adjudication before the Civil Courts with regards to the title of the disputed property. While being so, it seems that the second respondent lodged the present complaint in the year 2014, and the same has been registered in Crime No.2 of 2014 for the offences under Sections 147, 447 and 379 of IPC on the allegation that on 02.01.2014, at about 11 p.m., the petitioners have stolen the agricultural crops. When the civil suits are pending between the parties, there is no question of trespass or stolen of agricultural crops. Even as per the FIR, no prima facie made out to register the case as against the petitioners, under the offences registered by the first respondent. The complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioners.

4. In view of the above discussions, the Criminal Original Petitions stand allowed and the FIR in Crime No. 2 of 2014 on the file of the first respondent is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rts
To

1. The Inspector of Police,
Thiruchegode Police Station,
Namakkal District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Ramakrishnan , Advocate SR.No. 22206

CRL.O.P.No. 19479 of 2014
and M.P.No. 1 of 2014

A.SK(27/04/2019)