



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.Nos.21361 & 32527 of 2019

CrI.M.P.Nos.11047 & 17914 of 2019

CrI.O.P.No.21361 of 2019 &

CrI.M.P.No.11047 of 2019

1. John Jayaprakash
2. John Bosco
3. J.P.Twinklin
4. V.J.Selvaraj
5. Suresh Kumar

... Petitioners

Vs.

1. The State rep. by
Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai - 600 040.

2. A.Boopathy
Executive Engineer &
Administrative Officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam,
Chennai - 600 101.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the investigation pending in Crime No.325 of 2018 on the file of the first respondent herein and quash the same.

For Petitioners: Mr.V.Stalin

For Respondents

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

For R2 : No appearance

CrI.O.P.No.32527 of 2019 &

CrI.M.P.No.17914 of 2019

N.Joseph Abhishek Rajan

... Petitioner

Vs.



1. The State of Tamil Nadu rep. by
The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai - 600 101.

2. The Executive Engineer and
Administrative Officer,
Anna Nagar Kottam,
Tamil Nadu Housing Board,
Thirumangalam,
Chennai - 600 101.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records connected with First Information Report in Cr.No.325/2018 dated 02.08.2018 on the file of the respondent police insofar as the petitioner/accused No.1 and quash the same.

For Petitioners : Mr.S.Ilamvaludhi

For Respondents

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

For R2 : Mr.R.Bharath Kumar

COMMON ORDER

These petitions have been filed to quash the FIR registered in Crime No.325 of 2018 on the file of the first respondent, thereby taken cognizance for the offences under Sections 147, 341, 294(b), 353 and 506(i) of IPC and Section 3 of TNPPDL Act, as against the petitioners.

2. On the complaint lodged by the second respondent, the first respondent registered a case in Crime No.325 of 2018, for the offences under Sections 147, 341, 294(b), 353 and 506(i) of IPC and Section 3 of TNPPDL Act, as against the petitioners. The allegations against the petitioners are that on 02.08.2018, the Tamil Nadu Housing Board authorities involved in the work of clearing the encroached area at Thangam Colony, Anna Nagar, Chennai. While being so, six unknown persons restraining the housing board authorities from discharging their duties and abused them with filthy language and also threatened them with dire consequences. They also caused damages to the vehicles which was used in the removal of encroachment.

3. The learned counsel appearing for the petitioners submitted that in fact, on the complaint lodged by the second respondent the present complaint has been filed. The petitioners are members of the CSI Immanuel Church and the housing board authority came with JCB machine, without even intimating to the church authority and also demolished the compound wall of the church. The petitioner never involved any



crime as alleged by the prosecution. Therefore, he prays for quashment of the FIR.

4. On perusal of the documents, the petitioner have initiated several proceeding for the past several decades and as per the order passed by this Court in W.P.No.29069 of 2018, the officials have been removed the encroachment. While demolishing the compound wall of the church, the petitioners questioned about the demolition. Further on perusal of FIR, after lodging the complaint by the officials, some of the allegations have been included by hand written. Further all the allegations are bald and vague and no specific avernments and allegation made out as against the petitioners. Though the offence under Section 3 of TNPPDL Act included in the FIR, the amount of damage was not mentioned in the FIR. Therefore the FIR is clear abuse of process of law and it cannot be sustained further.

5. In view of the above discussions, both the Criminal Original petitions are allowed and the FIR in Crime No.325 of 2018 on the file of the respondent police, is hereby by quashed as far as the petitioners are concerned. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

To

1. The State rep. by
Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai - 600 040.

2. The Executive Engineer &
Administrative Officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai - 600 101.

3. The Public Prosecutor
High Court, Chennai.

+1 cc to Mr.S.Ilamvaludhi, advocate,sr.22019
+1 cc to Mr.V.Stalin, Advocate, SR.22839
+1 cc to Mr.R.Bharathkumar, Advocate,sr.22601

(co)

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CRL.O.P.Nos.21361 & 32527 of 2019

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