



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.9044 of 2016 and
Crl.M.P.(MD)No.4482 of 2016

1. Abdul Nazer
2. Abdul Kalam Azad
3. Mujipur Rahman ... Petitioners/Accused

Vs.

1. The Inspector of Police,
Thirumangalam Town police station,
Thirumangalam,
Madurai District.
(Crime No.215 of 2016) ... 1st Respondent/Complainant

2. Mohammed Yasim ... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.215 of 2016 on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.T.Vadivelan

For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side)

For R-2 : Mr.G.Prabhu Rajadurai

O R D E R

The petitioners are shown as accused in Crime No.215 of 2016 registered on the file of Thirumangalam Town police station, Thirumangalam, Madurai District, for the offences under Sections 294 (b), 341 and 506(i) of I.P.C.

2. The second respondent herein is the defacto complainant. There is a civil dispute going between the second respondent on the one hand and the petitioners on the other. The second respondent claims ownership over the property in question and according to him, the petitioners' property is lying to the east of the second



respondent's property. But then, the petitioners claim that they are entitled to the property on which the second respondent is also his claim. According to the second respondent, the petitioners herein committed criminal trespass, erected a shed and also criminally intimidated and abused the second respondent. That led to registration of the impugned First Information Report. To quash the same, this criminal original petition has been filed.

3. The learned counsel appearing for the petitioners herein reiterated the contentions set out in the memorandum of grounds.

4. I am of the view that it is not possible for this Court to go into the factual aspects while exercising the jurisdiction under Section 482 of Cr.P.C. In any event, this criminal original petition was filed when the case was at the stage of investigation. The points urged by the petitioners herein will have to be considered only by the investigation officer. The first respondent is directed to file final report after examining the rival claimants. It is not open to this Court to interfere at this point of time.

5. Leaving open all the contentions and the defences of the petitioners, the criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Inspector of Police,
Thirumangalam Town police station,
Thirumangalam, Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-5946[F] dated 12/02/2020)

Crl.O.P.(MD)No.9044 of 2016
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JMN(24.02.2020) 2P : 4C

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