



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 18.06.2021

DATE ON WHICH PRONOUNCED : 24.06.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

WEB COPY

Crl.O.P. (MD)No.5724 of 2021

and

Crl.MP (MD)No.3320 of 2021

1.Senthil Vadivelan

2.Senthilvelkumaran

... Petitioners/Accused Nos.1 & 2

Vs.

1.State rep by

The Inspector of Police,
Malli Police Station,
Virudhunagar District.
(Crime No.15 of 2021)

... 1st Respondent/Complainant

2.Saravanaraja

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records pertaining to the FIR in Crime No.15 of 2021, dated 11.03.2021, on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.R.Velmurugan

For Respondent : Mr.R.M.Anbu Nithi,

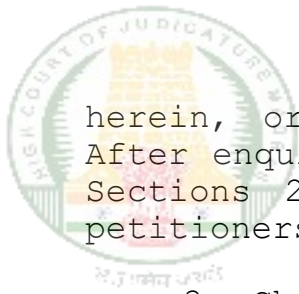
Additional Public Prosecutor.

ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No.15 of 2021, dated 11.03.2021, on the file of the 1st respondent police.

2. (i) The case of the prosecution is that a land in S.No.1193/2, Enjar Village, belongs to one Vasudevan, Chennai, which is situated near the land of the second respondent. One Jeyakumar came to the property representing the said Vasudevan on 10.03.2021, at about 11.00 a.m, the defacto complainant went to his property. At that time, one Senthil Vadivelan and his own brother abused him in filthy language and assaulted him. Because of the assault made by the Senthil Vadivelan with iron rod, the defacto complainant fell down. they also criminally intimidated him that they will kill him. So, because of the assault, the defacto complainant sustained injury on the left ring finger.

(ii) Based upon the complaint given by the second respondent



herein, originally CSR.No.15 of 2021 was assigned on 10.03.2021. After enquiry, a case in Crime No.15 of 2021 for the offences under Sections 294(b), 323 and 506(ii) IPC was registered against the petitioners.

3. Challenging the First Information Report, this petition is filed mainly on the ground that the land in S.No.1565/3 and S.No.1194/3 belongs to their mother namely, Murugeswari. A land in S.No.1193/2 also belongs to the above said Murugeswari. There is title dispute with regard to the above said property between the petitioners and the second respondent. The District Revenue Officer, Virudhunagar, without properly going through the document issued patta to the second respondent. So, the said Murugeswari filed a petition in WP(MD).No.19255 of 2020 to set aside the impugned order passed by the District Revenue Officer, Virudhunagar, dated 18.11.2020 and it was disposed of with a direction to the petitioners to approach the competent Civil Forum.

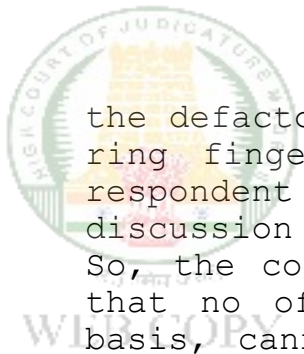
4. The next contention on the part of the petitioner is that on particular date of occurrence, namely, 10.03.2021, at about 11.00 a.m, the second respondent, trespassed into S.No.1193/2 situated in Enjar Village. This was questioned by the petitioners. The second respondent assaulted the petitioners and abused them in filthy language. For which, a complaint was given to the Superintendent of Police, Virudhunagar District and also given complaint to the first respondent against the second respondent. Since the second respondent trespassed into their land, they have committed the various of offences mentioned.

5. Heard both sides.

6. The learned counsel for the petitioners would submit that none of the allegations mentioned in the First Information Report will attract any of the ingredients of the offences set out in the First Information Report against the petitioners.

7. It appears that in respect of property, situated in S.No.1193/2 at Enjar Village, a dispute exist between the petitioners and the second respondent herein as mentioned in the pleadings. The said Murugeswari has filed WP(MD)No.19255 of 2020 before this Court. Which came to be dismissed with a direction to the parties to approach the competent Civil Forum for appropriate remedy to resolve the dispute without making any reference to the order passed by the District Revenue Officer, Virudhunagar District, dated 18.11.2020. Whether any suit has been preferred by the parties to resolve the dispute is not clear on record. Whatever it may be, it is seen that the property dispute is exist between the parties. So, at this juncture, the complaint came to be registered.

8. There is specific allegation mentioned in the First Information Report to the effect that both the petitioners assaulted



the defacto complainant. He also sustained injuries on the left hand ring finger. Whether any assault has been made upon the second respondent and he sustained any injury, cannot be a matter for discussion in this petition, which requires investigation and trial. So, the contention raised by the learned counsel for the petitioner that no offence is made out against the petitioners without any basis, cannot be accepted, at this stage. The contention that the second respondent assaulted the petitioners, in respect of which, a complaint was given to the Superintendent of Police, Virudhunagar. But, no action has been taken. If no action has been taken by the police over the complaint given by the petitioners, they have to work out their remedy before the appropriate forum. So, that cannot be a ground for quashing the First Information Report.

9. I am of the considered view that the grounds mentioned in the petition, at the time of argument are not sufficient enough to quash the First Information Report.

10. In view of the above facts and circumstances, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector of Police,
Malli Police Station,
Virudhunagar District.

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

+1 CC to M/s.R.VELMURUGAN, Advocate (SR-20220[F] dated 25/06/2021)

Crl.O.P. (MD)No.5724 of 2021

and

Crl.MP (MD)No.3320 of 2021

24.06.2021

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<https://hcservices.ecourts.gov.in/hcservices/>