



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 15.04.2021

DATE ON WHICH PRONOUNCED : 21.05.2021

WEB COPY

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.5279 of 2021

and

Crl.MP(MD)No.3048 of 2021

1.N.Kaliraj

2.Seetharaman

... Petitioners/Accused Nos.1 & 2
Vs.

1. State represented by
The Inspector of Police,
Nalathinpudur Police Station,
Thoothukudi District.
(Crime No.476/2020)

... 1st Respondent/Complainant

2.Mr.Kesavaperumalsamy

... 2nd Respondent/Defacto
Complainant

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the First Information Report pertaining to the case in Crime No.476 of 2020 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.P.Subbaraj

For R1 : Mr.R.Anandharaj (Crl.Side)
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.476 of 2020 on the file of the 1st respondent.

2. i) The case of the defacto complainant before the first respondent in the complaint is that the second respondent is residing in Sri Venkadeshwara Garden, Kovilpatti, Thoothukudi District. His relative by name, Sangeetha is residing in Chennai and owning properties in the Villages namely, Jamin Dever Kulam and Pillaiyar Natham. The first petitioner and the father of the first petitioner were enjoyed the said properties for the past six years from the date of occurrence. The land dispute is pending between the said Sangeetha and Narayanasamy, who is the father of the first petitioner. So, Sangeetha made an arrangement for measuring the property and put up a metal fence. Knowing about the same, on 26.12.2020, at about 06.00 p.m the petitioners came to the property



and abused the second respondent in filthy language and also damaged the Motor Pump Set. They also abused him in filthy language and threatened him. They also snapped the rope and wires of the Pump Set and caused damage worth about Rs.50,000/-.

ii) Based upon the complaint given by the second respondent herein, a case in Crime No. 476 of 2020 on the file of the first respondent police was registered on 28.12.2020 under Section 294(b) and 427 IPC.

3. Seeking quashment of the final report, this petition is filed mainly on the ground that there was prior enmity between Sangeetha and the petitioners with regard to the encroachment made by her in S.No.278/1 and 279 in the disputed village. In respect of which, WP(MD)No.19674 of 2020 and O.S.No.37 of 2021 was filed by the second petitioner for removing encroachment.

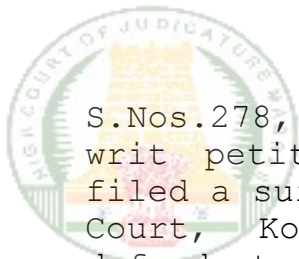
4. Heard both sides.

5. Hearing of the learned counsel for the petitioners and the learned Additional Public Prosecutor as well as the perusal of records shows that a land dispute is pending between one Sangeetha, relative of the second respondent and the first petitioner's father, in respect of which, frequent quarrel arose between them.

6. So, according to the learned counsel for the second respondent, on that particular day, the petitioners came to the property and caused damage to the ropes and wires of Motor Pump Set, but, no one has sustained injury, in this case.

7. The specific allegation made by the second respondent is that the accused have caused damage to Pump Set worth about Rs.50,000/-. From the submission made by the learned Additional Public Prosecutor, it is clear that the investigation is in preliminary stage and it appears that no statement has been recorded and damaged articles were not seized by the police. Only during the course of investigation, the truth will come out. There is a specific allegation with regard to the damage of Pump Set. It may not be proper on this Court to quash the First Information Report, at initial stage. No strong case has been made out by the petitioners to quash the First Information Report. The only ground made by the petitioners is that the relative of the second respondent namely Sangeetha filed WP(MD)No.4006 of 2020 against the Government, on the ground that the property, was in her possession for more than 30 years and she should not be prevented from enjoyment of the same. She also sought for granting of 2C patta.

8. Similarly another writ petition has also been filed by the President of District Agricultural Sangam, Pillayarnatham, Kovilpatti Taluk, Thoothukudi District, against Sangeetha for encroachment made by her in the property located in



S.Nos.278, 279 and 280. In respect of which, Sangeetha has filed a writ petition. Similarly, the defacto complainant and Sangeetha filed a suit in O.S.No.37 of 2021 before the learned District Munsif Court, Kovilpatti, wherein, these petitioners were added as defendants. So, according to the petitioners, because of the said suit, this present complaint has been given. But, in the course of action, Sangeetha and the second respondent stated that these petitioners damaged the motor and the other ropes and wires and so, this case has been registered. So, mere pendency of the civil suit cannot be a bar for quashing the criminal complaint. As mentioned earlier, the contention that no damage was made by the petitioners cannot be accepted at this stage.

9. So, I am of the considered view that this is not a fit case to quash the First Information Report and it has to be pursued to its logical conclusion.

10. For the reasons stated above, the Criminal Original Petition deserves dismissal and accordingly, the same is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// 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,
Nalathinpudur Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.5279 of 2021
and
Crl.MP (MD)No.3048 of 2021
21.5.2021

KK(16.06.2021) 3P 3C

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