



Crl.O.P No.17981 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.17981 of 2021  
and Crl.M.P.No.9885 of 2021

1. Ramesh
2. A.Kamaraj
3. N.Ganapathi
4. S.Selvaraj
5. Baskar
6. C.Sakthivel
7. K.Vijaya
8. G.Vasantha
9. B.Gowthami
10. R.Vennila

... Petitioners

Vs.

- 1.State represented by  
Inspector of Police,  
Keelaiyur Police Station,  
Nagapattinam District.

- 2.K.Arokiyasamy

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the FIR No.497/2021 on the file of the first respondent.



Cr.L.O.P No.17981 of 2021

For Petitioners : Mr. P.Vijendran  
For R1 : Mr.A.Damodaran  
Additional Public Prosecutor  
R2 : Mr. Kingston Jerold

### **ORDER**

This petition is filed to call for the records and quash the FIR in Cr.No.497/2021 on the file of the first respondent.

2. The petitioners are the accused 1 to 10 in the case registered by the first respondent police in Cr. No.497/2021 for the offences under Section 147, 341, 294(b), 352 & 506(ii) IPC. There is a land dispute between the petitioners and the second respondent / *de facto* complainant. The second respondent had given a complaint on 12.08.2021 by alleging that when he started to measure the property after an understanding with the opposite parties, the accused / petitioners came to the place of occurrence by forming an unlawful assembly and abused the *de facto* complainant in filthy language and threatened him that they would kill him with knife.

3. The learned counsel for the petitioners submitted that the materials



available on record are not sufficient enough to make out a *prima facie* against the petitioners and the civil dispute between the petitioners and the second respondent has been given with a criminal colour.

4. On a perusal of the records, it is seen that the case has been registered for the offences under Section 147, 341, 294(b), 352 & 506(ii) IPC. So far as the allegations in respect of the above offences are concerned, the complaint is seen to be bald. It is alleged in the complaint that the petitioners have abused the *de facto* complainant in filthy language. But it is not stated whether the offences have been taken place in a public place or a private place and the words used to abuse the petitioner were also not mentioned. The only averment made is that the occurrence had happened when the Revenue Authorities came to the place of occurrence to measure the property. It is unbelievable to note that the accused have made life threat to the second respondent when the Revenue Authorities and Police were present. The petitioners have been charged for the offences under Section 147, 341, 294(b), 352 & 506(ii) IPC.

5. There are no materials available on record to show that the second



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respondent was unlawfully restrained by the petitioners. The problem between the the petitioners and the second respondent is civil in nature. In such cases, subjecting the petitioners for a criminal trial is not necessary. Hence, I feel that the powers of this Court under Section 482 Cr.P.C. should be invoked to quash the case as against the petitioners.

6. In view of the above stated reasons, this Criminal Original Petition is allowed and the FIR in Cr. No.497/2021 on the file of the first respondent police is quashed. Consequently, connected miscellaneous petition is closed.

**14.11.2022**

Index : Yes/No  
Speaking Order : Yes / No  
bkn



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To:  
WEB COPY

- 1.The Inspector of Police,  
Keelaiyur Police Station,  
Nagapattinam District
- 2.The Public Prosecutor,  
High Court, Madras.



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**R.N.MANJULA, J.,**

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