



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.5448 of 2022

S.Ganesan

...Petitioner/ Complainant

Vs.

1. The Inspector of Police,
Silaiman Police Station,
Madurai District.

... Respondent/Responndent

2. N.Pandian

3. A.Kandasala @ Veeranan

4. Karuppasamy

...Respondents/ Proposed Accused

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records pertaining to the order Crl.M.P.No.9066/2021 dated 16.12.2021 passed by the Learned Judicial Magistrate Court No.2, Madurai and set aside the same.

For Petitioner : Mr.R.Aravind Raj

For Respondents : Mr.R.M.Anbunithi
No.1 Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to call for the entire records pertaining to the order Crl.M.P.No.9066/2021 dated 16.12.2021 passed by the learned Judicial Magistrate Court No.2, Madurai and set aside the same.

2. Perusal of the complaint reveals that the petitioner owned property in S.No.64 of 2010 and 64 of 2018. The third party filed suit for declaration in respect of the very same property as against the petitioner and the same is pending.

3. While pending suit, the proposed accused persons have entered into property and indulged in cutting of trees which were situated in the said lands. However the learned Magistrate recorded that it is a civil suit between the petitioner and the counter parties and as such as there is no offence made out as per the complaint lodged by the petitioner. Since the subject land whether belongs to the petitioner or third parties is to be decided by the civil Court, therefore this Court finds no infirmity or illegality in the order passed by the Court below



4. Hence the Criminal Original Petition stands dismissed. However the petitioner is at liberty to file a private complaint in the manner known to law, if so, advised.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.II, Madurai.
2. The Inspector of Police,
Silaiman Police Station,
Madurai District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD) No.5448 of 2022
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RD(31.03.2022) 2P 4C