



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.403 of 2021

S.Siva Subramanian

... Petitioner/Petitioner

Vs.

1.Babu,
Manager,
Vestas Wind Technology India Private Limited,
298, Rajiv Gandhi Salai,
Solinganallur,
Chennai - 119.

2.Ramesh,
Manager,
Vestas Wind Technology India Private Limited,
298, Rajiv Gandhi Salai,
Solinganallur,
Chennai - 119.

3.M/s.Vivid Solar Energy Private Limited,
Represented by its Land and Permitting Manager,
Raju Parmar,
1st Floor, Orchid Centre,
Golf Course Road,
Sector - 53,
Gurugram - 122 002,
Haryana.

4.Kannan ... Respondents 1 to 4/Accused

5.The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District. ... 5th Respondent/Respondent

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records relating to the impugned order passed by the learned Judicial Magistrate No.II, Kovilpatti, dated 19.03.2021 in Cr.M.P.No.1711 of 2020 and set aside the same and allow the said petition.

For Petitioner : Mr.K.Chinraj

For RR 1 to 3 : No appearance



For R - 4

: Mr.J.Jeyakumaran

For R - 5

: Mr.K.Sanjai Gandhi

Government Advocate (Crl. Side)

WEB COPY

ORDER

This revision has been filed to set aside the order passed in Cr.M.P.No.1711 of 2020, dated 19.03.2021, on the file of the learned Judicial Magistrate No.2, Kovilpatti, thereby dismissed the petition seeking direction under Section 156(3) of Cr.P.C.

2.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the fourth respondent and the the learned Government Advocate (Criminal Side) appearing for the fifth respondent.

3.Though the names of the respondents 1 to 3 have been printed in the cause-list, there is no representation on behalf of the them either in person or through counsel.

4.On a perusal of the complaint lodged by the petitioner revealed that the accused persons trespassed into the petitioner's agricultural property comprised in Survey No.166/6 to an extent of 2.137 acres and they have destroyed the crops for erection of heavy Electricity Transmission Tower without consent of the petitioner and his family members on 05.12.2019. When it was intervened by the petitioner, they assured that they will give compensation for the loss of crops and land. Further, they assured that they will pay additional compensation amount of Rs.25,000/- per year for loss of crops. To that extent, they also assured that they will enter into an agreement. Thereafter, failed their assurance and cheated the petitioner. In fact, as directed by the learned Judicial Magistrate, the fifth respondent conducted enquiry and filed a report, dated 25.02.2021. The said report revealed that the petitioner owned property comprised in Survey No.166/6 to an extent of 2.137 acres in which admeasuring 100 meters, the proposed accused persons without any permission erected tower and had given wire connection. They also laid pathway to ply the tractor. Thereafter, they failed to pay any compensation to the complainant. However, the Court below, after perusal of sworn statement and on perusal of police enquiry report, dismissed the complaint on the ground that there is no ground to proceed further, since there is no criminal intimidation, no real threat is averred. Admittedly, the respondents 1 to 4 trespassed into the property belonged to the petitioner and have erected heavy Electricity Transmission Tower and they have also destroyed the agricultural crops to lay a pathway. These allegations are *prima facie* made out for the cognizable offences.



5.In view of the above, the order passed in Cr.M.P.No.1711 of 2020, dated 19.03.2021, on the file of the learned Judicial Magistrate No.II, Kovilpatti is set aside and the Criminal Revision Case is allowed. The fifth respondent is directed to register the F.I.R. as against the accused persons as per the report, dated 25.02.2021 and proceed further in accordance with law.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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 Judicial Magistrate No.II,
Kovilpatti.

2.The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.

Copy to

1.The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

2. The Section Officer, Criminal Section (2C)
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.K.CHINRAJ, Advocate (SR-18886[F] dated 18/04/2022)

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SE (CO)
KB(27.04.2022) 3P 7C