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Crl.O.P.No.6287 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.6287 of 2021

and

Crl.M.P.No.4161 of 2021

1.N.Venkatesan
2.Jayakumar
3.Rameshbabu

...Petitioners

-Vs-

1.The State Rep.by
The Inspector of Police,
Maharajakadai Police Station,
Krishnagiri District.

2.S.R.Ekambaram

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to FIR in Crime No.25 of 2021 dated 09.03.2021 on the file of the 1st respondent and to quash the same.



Crl.O.P.No.6287 of 2021

For Petitioner	: Mr.G.Mohammed Aseef
For R1	: Mr.A.Damodaran, Additional Public Prosecutor
For R2	: Mr.V.Sakkarapani

ORDER

This Criminal Original Petition has been filed to quash the First Information Report filed under Section 447 of IPC read with Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. The allegation is that the petitioners trespassed into the land belonging to the 2nd respondent / de-facto complainant and caused damage to the fence and the electric motor besides the agricultural equipment in the land.

2.The learned counsel for the petitioners submits that the offence under Section 3 of the TNPPDL Act is not made out, since admittedly the damage was caused to a private property of the 2nd respondent. The learned counsel further submitted that the allegation in the First Information Report do not constitute the offence under Section 447 of IPC.



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3.The learned counsel for the 2nd respondent would submit that the parties have arrived at a compromise and hence the 2nd respondent does not wish to pursue the complaint in view of the compromise. He has also made an endorsement to that effect in the court bundle.

4.This Court finds that the complaint only discloses allegation which is civil in nature. The offence under Section 3 of TNPPDL Act is not made out. A civil dispute is sought to be given a criminal colour. Further admittedly the parties have entered into a compromise and the 2nd respondent is not interested in pursuing the complaint in view of the the compromise.

5.In view of the above, the impugned First Information Report is quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

27.03.2023

smv

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order



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SUNDER MOHAN,J.

smv

To

The Inspector of Police,
Maharajakadai Police Station,
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