



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

Crl.O.P.No.7799 of 2022

and

Crl.M.P.No.4500 of 2022

1.Ramesh P

2.P S Deivaraj

.. Petitioners

Vs.

1.State rep.

The Inspector of Police,
Thiruchengodu Rural Police Station,
Thiruchengodu,
Namakkal District.
(Cr. No.77 of 2022).

2.Mani

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records and to quash the proceedings against
the petitioners/accused A1 and A2 in Crime No.77 of 2022 dated
02.03.2022 pending on the file of the first respondent police.

For Petitioners : Mr.C.S.Saravanan

For Respondent-1: Mr.L.Baskaran, GA (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioners to quash the proceedings against them in Crime No.77 of 2022 dated 02.03.2022 under Section 3(1) of Prevention of Damage of Public Property Act, 1984 pending on the file of the first respondent police.

2. Heard Mr.C.S.Saravanan, learned counsel for the petitioners and Mr.L.Baskaran, learned Government Advocate (Crl. Side) appearing on behalf of the State.

3. The contention of the learned counsel for the petitioners is that the second petitioner is the husband of one Mohana, who owned the subject property and the first petitioner has entered into a sale agreement with the said Mohana. He submitted that a false case has been foisted by the de-facto complainant against the petitioners due to civil dispute in regard to water pipe lines running in the subject property comprising Survey No.4/4A in Pirithi Village. He further submitted that except the defacto complainant's



statement, there is no other material against the petitioners.

4. The learned Government Advocate submitted that the statements made in the complaint constitutes the offence for which a case has been registered against the petitioners herein and hence, there is no basis for the petitioners to seek for quashing the same.

5. Considering the submissions made on either side, this Court is of the view that the dispute among the parties is of civil in nature and it has been given a colour of criminality and hence, the case registered against the petitioners is liable to be quashed.

6. In the result, the Criminal Original Petition stands allowed. Consequently, the proceedings in Cr.No.77 of 2022 on the file of the first respondent herein is quashed. Consequently, connected miscellaneous petitions are closed.

07.12.2023

Index:Yes/No
NCC :Yes/No

DP



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VIVEK KUMAR SINGH.J,

DP

To

1. The Inspector of Police,
Thiruchengodu Rural Police Station,
Thiruchengodu,
Namakkal District.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.7799 of 2022
and
Crl.M.P.No.4500 of 2022

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