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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28/03/2023

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The Hon'ble Mr. Justice **G. ILANGO VAN**

Cr1.OP(MD)No.4947 of 2023

and

Cr1.MP(MD)No.4363 and 4364 of 2023

1.B.Nigajdeen
2.Thameem Ansari
3.Thanseer Ali : Petitioners/A1 to A3

Vs.

1.The State rep. by
The Sub Inspector of Police,
South Gate Police Station,
Madurai City.
(Crime No.406 of 2021) : R1/Complainant
2.N.Imthias Babu : R2/De-facto Complainant

PRAYER:- This Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to CC No.1185 of 2022 on the file of the Judicial Magistrate No.IV, Madurai and quash the same and pass any other orders.

For Petitioner : Mr.M.Sheik Abdullah

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

**ORDER**

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This criminal original petition has been filed seeking quashment of CC No.1185 of 2022 on the file of the Judicial Magistrate No.IV, Madurai.

2.The facts in brief:-

The de-facto complainant lodged a complaint stating that he is owning property in Moideen Andavar 2nd Street, South Perumal Mastri Street, Madurai and residing in that property. The neighbours namely the accused persons herein are having dispute with the de-facto complainant over the above said property. So enquiry was pending before the Therkuvasal Jamath. On 03/10/2022, the de-facto complainant along with his family members went to a marriage. At that time, the accused persons trespassed into the kitchen portion of the property and demolished a portion. It was informed to him and he returned to the place at 07.40 pm and found that the property was demolished. The kitchen portion of the property was demolished and lock was also put in the door. Later, the above said lock was removed by the accused.



3. On the basis of the basis of the above said occurrence, a case in Crime No.406 of 2021 was registered for the offences punishable under sections 294(b), 427 and 506(i) IPC and after completing the investigation, final report was filed and it was taken cognizance by the trial court in CC No.1185 of 2022.

4. Seeking quashment of the same, this petition has been filed on the ground that none of allegations mentioned in the final report attract any of the ingredients of the offences under section 294(b), 427 and 506(ii) IPC; Apart from that, it is also stated that there is no *prima facie* materials collected during the course of investigation.

5. Heard both sides.

6. The learned counsel appearing for the petitioners would rely upon various judgments such as in Muthiah Posumpon and three others Vs. State rep. through the Inspector of Police, C-4, Thilagar Thidal Police Station (L & O), Madurai City, Madurai (Cr1.OP (MD) No.13259 of 2017, dated 22/02/2021); in



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9. In the result, this criminal original petition is **dismissed**. Consequently connected Miscellaneous Petitions are closed.

28/03/2023

Index:Yes/No
Internet:Yes/No

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To,

1. The Judicial Magistrate No.IV,
Madurai.
2. The Sub Inspector of Police,
South Gate Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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