



WEB COPY

Crl.O.P.(MD)No.4816 of 2021



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

Crl.O.P.(MD)No.4816 of 2021

and

Crl.M.P.(MD).No.2742 of 2021

1.K.R.Velu
2.Baskaran
3.Jeyabalsubramanian
4.Elambaruthi
5.Karuppasamy

... Petitioners

Vs.

1.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
(Crime No.31 of 2021)

2.Chellammal

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the case in Crime No.31 of 2021 pending on the file of the Inspector of Police, Chathrakudi Police Station, Ramanathapuram District and quash the same as against the petitioner.

For petitioners : Mr.R.Anand

For 1stRespondent : Mr.M.Muthumanikkam
Additional Public Prosecutor (Crl. Side)



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Crl.O.P.(MD)No.4816 of 2021



ORDER

This petition has been filed to quash the case in Crime No.31 of 2021 pending on the file of the Inspector of Police, Chathrakudi Police Station, Ramanathapuram District.

2.In the FIR, it is alleged that the petitioner trespassed into the Government land and put up a board. Hence, the investigating agency has registered the case in Crime No.31 of 2021 for the offences under Section 4B of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

3.The learned counsel appearing for the petitioners raised the ground that there is some civil dispute between the parties and the petitioners are also filed civil case against the Government to claim the title over the property. Pending the same, the petitioners installed the board. The petitioners did not claim the right over the property. He installed the board only on behalf of the temple and hence, they had no intention to grab the property of the Government and hence, no offence is made out against the petitioners.



Crl.O.P.(MD)No.4816 of 2021

4.The learned Additional Public Prosecutor (Crl. side) appearing for the first respondent Police submitted that the investigating agency completed the investigation and filed the final report and the same was taken on file in S.T.C.No.963 of 2022 on 16.12.2022. The same is pending before the concerned Jurisdictional Court.

5.The investigating agency examined number of witnesses to prove the case that the petitioners installed the board in the Government land. Whether the petitioners installed the board or not, is the matter for trial. Hence, this Court is not inclined to quash the proceedings.

6.Accordingly, this Criminal Original Petition is dismissed. The petitioner is at liberty to raise all the points before the learned trial Judge. Consequently, the connected criminal miscellaneous petition is closed.

27.11.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No

vsg



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To

- 1.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.4816 of 2021





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Crl.O.P.(MD)No.4816 of 2021

K.K.RAMAKRISHNAN. J.

vsg

Crl.O.P.(MD)No.4816 of 2021

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