



Crl.O.P(MD).No.8341 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.06.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.8341 of 2023

and

Crl.M.P.(MD)No.7263 of 2023

1.Kamaraj
2.Sathish
3.Dinesh

...Petitioners

Vs

1.The Inspector of Police,
Thallakulam Police Station,
Madurai City.
(Crime No.376 of 2023)
2.Natarajan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining to the case registered in impugned first information report in Crime No.376 of 2023 on the file of the first respondent and quash the same as illegal.

For Petitioners

: Mr.S.Thangaraj

For 1st Respondent

: Mr.B.Nambi Selvan

Additional Public Prosecutor

ORDER

This petition is filed to quash the FIR in Crime No.376 of 2023, on the file of the first respondent.

S



Crl.O.P(MD).No.8341 of 2023

2.On the side of the petitioners, it is stated that the petitioners are the tenants and there was a rental agreement. Only to evict the petitioners in an illegal manner, the landlord has approached the police and with the help of the police, they are trying to evict the petitioners and hence, Section 294(b) of IPC is not made out and the trespass cannot be made out against the tenants and there is no question of destroying the public property. Hence, Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act will not attract and prayed the FIR to be quashed.

3.On the side of the prosecution, it is stated that whether the petitioners are in legal possession can be decided only after enquiry. The complaint was under investigation and the complaint was lodged on 15.04.2023 and the enquiry was not yet completed.

4.A perusal of the records reveals that the petitioners entered a rental agreement in the year 2005 for the period of three years.

5.On the side of the petitioners, it is stated that the rental agreement was further extended by way of oral agreement.



CrI.O.P(MD).No.8341 of 2023

6. Whether the petitioners are in legal possession can be decided only after the investigation. Whether any other offence is made out cannot be decided in this juncture.

7. In view of the above, this Criminal Original Petition is **dismissed**.
Consequently, connected miscellaneous petition is closed.

02.06.2023

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

To

1. The Inspector of Police,
Thallakulam Police Station,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P(MD).No.8341 of 2023

R. THARANI,J.

Mrn

CrI.O.P(MD).No.8341 of 2023

02.06.2023