



Crl.O.P(MD)No10069 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2023

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD)No.10069 of 2021

and

Crl.M.P(MD)No.5136 of 2021

Gnanasekaran

.. Petitioner/Sole Accused

Vs.

1.The State Represented by the
Inspector of Police,
Maraneri,
Virudhunagar,
Virudhunagar District.
(in Crime.No.96/2021)

.. 1st Respondent/Complainant

2.Seenivasan

.. 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.96 of 2021 on the file 1st respondent police and quash the same as illegal so far as the petitioner is concerned.



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For Petitioner : Mr.J.Sulthan Basha
For R1 : Mr.M.Muthumanikkam
Government Advocate (Criminal side)

ORDER

The petitioner/sole accused has filed this petition to quash the FIR in Crime No.96 of 2021 on the file of the first respondent, wherein he is said to have committed the offence under Sections 447, 294(b), 427 and 506(i) IPC.

2. The case of the prosecution is that the 2nd respondent/defacto complainant herein had purchased a landed property which is situated in S.No.1352/1B, 1352/2A and 1352/2B, Anaiyur Village, Sivakasi, Virudhunagar District. The said property was purchased by the defacto complainant from his vendors namely, Vijaya Sekaran, Rajam and Sivashankar respectively vide registered Doc.No.1535/2021 on the file the Sub Registrar, Sivakasi. Subsequent to the said purchase, the defacto complainant has been in possession and enjoyment of the said property and also patta was mutated in favour of him. After the said purchase, the



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defacto complainant had spent to the tune of Rs.3,00,000/- on account of separation of plot and fencing the aforesaid property. While so, that on 26.04.2021 at about 5.00 p.m, the petitioner along with some other persons had criminally trespassed into the defacto complainant's landed property with JCB. On seeing the same, the defacto complainant questioned their illegal activity. At the instance, the petitioner abused him using filthy language and threatened him with dire consequences. Subsequent to the same, the gate and fencing stones were damaged by the petitioner and his subordinates worth about a sum of Rs.70,000/-. Hence, the complaint.

3. The learned Government Advocate (Criminal side) submitted that after completion of investigation, charge sheet has been filed and the same was taken on file as C.C.No.34 of 2021 on the file of the learned Judicial Magistrate, Sivakasi.

4. Recording the same, this Criminal Original Petition stands closed with liberty to the petitioner to work out his remedy in the manner known



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to law. Consequently, connected miscellaneous petition is closed.

13.04.2023

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

To

1.The Inspector of Police,
Maraneri,
Virudhunagar,
Virudhunagar District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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