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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP (MD) No.10341 of 2023

and

Crl.MP (MD) No.8251 of 2023

1.Saravanan
2.Duraisamy
3.Meiyar @ Ponnu
4.Ayyasamy : Petitioners/A2 to A5
Vs.

1.State represented by
The Inspector of Police,
Thuvarankurichi Police Station,
Thuvarankurichi,
Trichy District.
(Crime No.42 of 2023) : R1/Complainant

2.Mr.Anbalagan,
Inspector,
Hindu Religious Charitable Endorsement
Department,
Thuvarankurichi,
Trichy District. : Respondents

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.42 of 2023 on the file of the first respondent and quash the same against these petitioners.

For Petitioners : Mr.G.Gomathi Sankar

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

**O R D E R**

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This criminal original petition is filed seeking quashment of the FIR in Crime No.42 of 2023 on the file of the 1st respondent.

2.The case of the prosecution, as narrated in the FIR is that the de-facto complainant lodged a complaint stating that he was working as Inspector, Hindu Religious Charitable & Endowment Department, Thuvrankurichi, Trichy District. Arulmigh Kannimar Thirukovil situated in Seegampatti Village, which is under the control of Tamil Nadu Hindu Religious & Endowment Board. The property is situated in Survey Nos.140/1 and 140/2 measuring about 6.06 acres belongs to the temple. The above said land is declared to be the land of the temple, as per the judgment passed in O.S No.127 of 2018, dated 13/12/2022. For the purpose of measuring the property, on 16/02/2023 at about 12.30 pm, the officials consisting of Executive Officer, Range Inspector and others tried to measure the property. At that time, the accused persons, who are the occupants of the property illegally, prevented them from discharging their duty, abused them in filthy language and also tried to assault them with wooden log. More



particularly, the accused Vellaisamy misbehaved and caused nuisance to the woman Officer also. Another accused namely Saravanan damaged the sign board and taken away the same worth about Rs.20,000/-. Upon which, a case in Crime No.42 of 2023 was registered for the offences under sections 147, 294(b), 352, 353, 424 and 509 IPC.

3. Seeking quashment of the same, this petition has been filed by the petitioners on the ground that over the civil issue, this false complaint has been given. According to them, they are in possession of the property situated in Survey No.140/1 measuring to an extent of 1.64.50 Hectares; The second petitioner is cultivating the same under the first petitioner for more than sixty years; A house is also constructed in that property. Similarly, the property in Survey No.140/2 measuring 1.02.50 Hectare was purchased by third petitioner's father through a registered sale deed, some 60 years back. One Vellaisamy, who is the adjacent neighbour filed a false case claiming himself to be a Poojari of Arulmigu Sri Kannimar Samy, in O.S No.127 of 2018 before the Principal District Munsif Court, Manaparai, for declaration and recovery of possession against the



petitioners 2 and 3. In that suit, HR & CE Department was also added as one of the defendants. That suit was partly decreed for declaration and dismissed with regard to the recovery of possession. The possession of the petitioners were also confirmed. The Department Officials have no right to interfere into the possession of the petitioners. So according to them, the official defendants only tried to interfere into the possession and created trouble. So, they are the aggressors and not the petitioners. This is the factual background, according to the petitioners.

4. Heard both sides.

5. This court need not go into the issue, whether these petitioners are in possession of the property, as rightful owners, as O.S No.127 of 2018 was decreed in part after full trial. The property was declared to be the temple property belongs to Arulmighu Sri Kannimar Samy Temple and the relief of recovery of possession was rejected, so also the mandatory injunction.



6. Whether any appeal has been preferred by the plaintiff is not clear on record. Now whatever it may be, whether the de-facto complainant and others tried to cause disturbance to the possession of the petitioners is completely a matter for investigation. Whether the offence, as stated in the complaint, really took place is also a matter for consideration by the Investigating Officer.

7. Reading of the complaint shows that indecent behaviour was exhibited by some of the accused persons and measurement was prevented. They also alleged to have caused damage to the sign board and took away the same. When such sort of allegations are mentioned, the investigation must be taken to its logical conclusion.

8. Perusal of the CD file shows that most part of the investigation is also over. Some of the accused persons were arrested and released on bail.

9. The factual circumstance cannot be taken into account, since the investigation is over and final report has to be filed soon. So, I find no reason to quash the investigation.



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10. In the result, this criminal original petition is **dismissed**. Consequently connected Miscellaneous Petition is closed.

22/06/2023

Index:Yes/No
Internet:Yes/No
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To,

1. The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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