



Crl.O.P.(MD) No.13443 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD).No.13443 of 2021

and

Crl.M.P.(MD).No.6978 of 2021

1. Gnanaprakasam

2. Ponnuthai

3. G.Josphine

4. Jenita

5. Lawanya

... Petitioners

Vs.

1. The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
Crime No.486 of 2021

2. Kumar
Village Administrative Officer,
Aandipatti Village,
Alangulam Circle,
Tenkasi District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.

praying to call for the FIR in Crime No.486 of 2021 on the file of the
1st respondent police and quash the same.



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For Petitioners : Mr.S.Sivakumar

For Respondents : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side)
for R1

ORDER

The petitioner is said to have committed offences under section 147, 294 (b), 353, 269, 270 and 506 (i) of I.P.C., in Crime No.486 of 2021 on the file of the first respondent police and he filed this petition to quash the F.I.R.

2. The 2nd respondent made a complaint alleging that the petitioner caused obstruction to remove the encroachment without wearing the mask during the corona period and criminally intimidated the 2nd respondent. The petitioner is the occupant of the property in the Survey No.490/30 of the Nadukovilur Revenue Village.

3. Thereafter, the defacto complainant filed a complaint before the respondent police stating that the petitioner obstructed to remove the encroachment made by the petitioner. According to the defacto complainant, the said occurrence took place on 28.07.2021.



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4. When the Hon'ble Division Bench of this court passed a detailed order with a direction that the petitioner's possession shall not be disturbed, the registration of the case against the petitioner itself is illegal and there was no offence is made out. Therefore, continuation of the criminal proceedings against the petitioner amounts to abuse of process of law. Therefore, this court inclines to allow this quash petition.

5. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition stands closed.

17.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

sbm

To

1. The Inspector of Police,
Alangulam Police Station,
Tenkasi 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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