



CrI.O.P.No.6621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.6621 of 2024
and
CrI.M.P.Nos.4845 & 4846 of 2024

1.Tamilarasan @ Thamilarasan
S/o.Kaliyaperumal

2.Elavarasan
S/o.Kaliyaperumal

3.Pancharam @ Panjaram
W/o.Kaliyaperumal

... Petitioners

Vs

1.State represented by
The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
Crime No.163 of 2019

2.Arulprakasam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in STC No.06 of 2022 on the file of District Munsif cum Judicial Magistrate, Neyveli and quash the same.



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Crl.O.P.No.6621 of 2024

For Petitioners : Mr.M.P.Yuvaraj

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in STC No.06 of 2022 on the file of District Munsif cum Judicial Magistrate, Neyveli.

2. The case of the prosecution is that the property in Survey No.310/10 was owned by Sithivinayagar Temple. The petitioners were residing near this property and they had blocked the access to the property by stocking jelly stones and had encroached the same. On 21.09.2019 at about 12 noon when efforts were taken by the department to remove the encroachment, A3 is said to have poured petrol and attempted to immolate herself and it was supported by A1 and A2. Thus, they prevented the department from doing their official duty. Based on the complaint given by the second respondent, the First Information Report came to be registered in Crime No.163 of 2019. On completion of investigation, the final report has been filed before the Court below and the Court below has taken cognizance



CrI.O.P.No.6621 of 2024

for offences under Section 447 and 353 IPC in STC No.6 of 2022. The same has been put to challenge in this petition.

3. Heard Mr.M.P.Yuvaraj, learned counsel for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

4. Learned Additional Public Prosecutor, on instructions, submitted that the entire encroachment has now been removed and the Hindu Religious and Charitable Endowments Department is now having control over the property.

5. Learned counsel for petitioners submitted that the petitioners will not interfere or encroach upon the property belonging to the Hindu Religious and Charitable Endowments Department.

6. Considering the above submission and considering the fact that the entire incident had taken place in a spur of the moment and no useful

N.ANAND VENKATESH, J



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Crl.O.P.No.6621 of 2024

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purpose will be served in continuing with the case, this Court is inclined to exercise its jurisdiction under Section 482 Cr.P.C.

Accordingly, this Criminal Original Petition is allowed and the proceedings in STC No.06 of 2022 on the file of District Munsif cum Judicial Magistrate, Neyveli, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

20.03.2024

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1. The District Munsif cum Judicial Magistrate,
Neyveli.

2. The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
Crime No.163 of 2019

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6621 of 2024