



WEB COPY



CrI.O.P.No.8039 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.8039 of 2024

and

CrI.M.P.No.5856 of 2024

1.Kousalya

2.Kavitha

3.Rani

4.Rajini

5.Krishnaveni

6.Seatkumar

... Petitioners

Vs.

1.The State rep.by
The Inspector of Police,
Kattur Police Station,
Coimbatore.
Crime No.74 of 2024

2.R.Madan Kumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records relating to the First Information Report registered in Crime No.74 of 2024 on the file of the Inspector of Police, Kattur Police Station, Coimbatore and quash the same.

For Petitioners : Mr.AL.Gandhimathi, Senior Counsel
for Mr.I.Palani Muthu

For R1 : Mr.S.Udaya Kumar



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For R2

Government Advocate (CrI.Side)
: Mr.N.Manokaran

ORDER

This Criminal Original Petition is filed to quash a criminal complaint registered in Crime No.74 of 2024 dated 05.03.2024.

2. It is a case where a series of litigation pending between the landlord and tenant that whom has to be the occupant of the premises. A civil dispute is pending and in one of the suits, the accused herein had initiated a suit for injunction. Later got the prayer in the amended relief of declaration on the basis of adverse possession. Soon after the amendment was allowed it is alleged that they have trespassed into the premises, broke open the shop and indulged in altering the physical feature of the shop. Pursuant to the complaint, FIR in Crime No.74 of 2024 for the offence under Sections 143, 448, 427, 294(b), 380 and 506(ii) IPC had been registered and it is under investigation.

3. The present Criminal Original Petition is filed to quash the said complaint on the premise that these petitioners gave a complaint through registered post to the police to give protection to their possession, but the police refused to receive it and is not been registered. Further



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contended that it is a civil dispute, the police should not interfere in it.

Hence the complaint has to be quashed.

4. The pendency of the dispute regarding the premises since 2016 between the occupants and the title holders sought to be settled through extra constitutional method and by abuse of process of law. The present complaint has to be investigated fair and free manner without any interference. Trying to give civil colour, a person cannot after instituting a civil suit forcibly take possession of the premises and if he is tried to do so, law has to act upon it. The police has rightly registered the complaint, it is for them to investigate the matter fair and free manner and file final report.

5. With the above direction, this Criminal Original Petition is dismissed.

12.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

Dr.G.JAYACHANDRAN,J.

rpl



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To

1.The Inspector of Police,
Kattur Police Station,
Coimbatore.

2..The Public Prosecutor,
High Court of Madras,
Chennai.

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12.04.2024