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Crl.O.P.No.10779 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

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

Crl.O.P.No.10779 of 2024

and

Crl.M.P.No.7310 of 2024

1.T.V.Kamalanathan
2.T.H.Rajmohan
3.C.Rajasekar
4.T.K.Viswanathan

... Petitioners

Vs.

1.The State rep.by its
The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Avadi,
Chennai.

2.S.Vijayakumar
Tahsildar,
Avadi Taluk,
Avadi
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records in Crime No.498 of 2023 dated 07.10.2023 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.S.John Josh

For R1 : Mr.S.Udayakumar
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed to quash the First Information Report in Crime No.498 of 2023 registered on 07.10.2023.

2. Reading of the FIR indicates that the land belongs to Avadi Municipal Primary Health Centre been encroached by the petitioners herein by putting a Vinayagar idol. Therefore, they removed the idol and restored the property. Complaint been given and same has been registered under Sections 147, 447 & 153 IPC.

3. The learned counsel appearing for the petitioners states that already there is a direction in the writ petition before the Hon'ble High Court filed by one T.H.Rajmohan, who is the 2nd petitioner herein, wherein, there is a direction to the parties to amicably resolve the dispute. Therefore, there cannot be a criminal prosecution against them.

4. A direction in the writ petition regarding the dispute between the temple administrator and the HR & CE department administrator for amicable settlement of the issue cannot be a bar for the police to



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investigate the case which apparently attracts offence under Sections 147 & 153 IPC and other provisions of law. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

30.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Avadi,
Chennai.

2.The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

Dr.G.JAYACHANDRAN,J.



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