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Crl.OP.No.11217 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.11217 of 2024

and

Crl.MP.No.7604 of 2024

1. G.Kanagasabai
2. K.Elansezhiyan
3. E.Elangovan
4. K.Velmurugan
5. R.Subrmaniyan

... Petitioners

Vs.

1. The State represented by
The Inspector of Police,
PS 2 Sethiyathope Police Station,
Cuddalore District.

2. P.Sundarajan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records in connection with CC.No.23 of 2023 on the file of the learned Judicial Magistrate-I, Chidambaram and quash the same in so far as petitioners are concerned.

For Petitioners : M/s.S.Ayyathurai

For Respondents : Mr.S.Udayakumar for R1



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ORDER

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The petitioners and the second respondent are neighbours. There is a dispute regarding the boundary between them. On 21.05.2022, the dispute between them has been escalated to an extend of exchanging blows and threat and also restrain of measuring the land to demark the boundary with the help of Village Administrative Officer and Surveyors. This has led to registration of complaint on 22.05.2022 in F.I.R.No.344 of 2022 against this petitioners for offence under Sections 147, 294b, 427, 506(i) of IPC.

2. The learned counsel appearing for the petitioners submits that the entire content in the complaint is pigment of imagination, the respondent police without proper investigation has filed the final report. He rely upon the information furnished under RTI, wherein, the Tahsildar, Bhuvanagiri has informed that on the request of the Kanagasabai, the land in Survey No.200/10 was measured and boundary was identified. The summons issued by Surveyor also indicates that they have gone to the Village and measured the land in Survey No.200/7 and 10 and identified the boundaries for the parties. Further, the photographs enclosed to indicate that the compound wall been re-built.

3. The learned counsel appearing for the petitioner further submits



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that the compound wall was damaged inadvertently and after the intervention of the Villagers, the complainant was compensated for the damage and with the money. The complainant has constructed the compound wall with gate.

4. The learned counsel appearing for the second respondent admits that the land was measured and the damage portion is now been reconstructed. However, he submits that the act of aggression, trespass and demolition of the property is a criminal offence which has to be taken cognizance. Therefore, the petitioner has to face the trial.

5. In normal circumstances, this Court would have accepted the above submission made by the learned counsel for the second respondent. However, in this case, there is no injury caused to the petitioner herein except the temporary injury of damage to the compound wall.

6. Regarding the land dispute, the parties have already resorted to Civil Court and the defacto complainant has filed a suit for declaration and injunction in O.S.No.18 of 2024 on the file of the learned Additional District Judge, Chidambaram. Above all, both are neighbours and also relatives.

7. In the said circumstances, when the ingredient of the complaint



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does not survive, it is appropriate to quash the final report. The petitioners herein are at liberty to ascertain their right over the disputed land through Civil Court, C.C.No.23 of 2024 is hereby stands quashed.

8. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

16.07.2024

Vv

To

1. The Judicial Magistrate-I,
Chidambaram
2. The Inspector of Police,
PS 2 Sethiyathope Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.



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Vv

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and
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