



CrI.O.P.No.14841 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.14841 of 2022

and

CrI.M.P.No.8259 of 2022

1. Manisekaran
2. Prakadesh
3. Pranesh

... Petitioners

Versus

1. The State,
rep. by Inspector of Police,
Thingalur Police Station,
Erode Dt. (Crime No.77 of 2021)

2. R.Prabhakaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pursuant to the S.T.C.No.948 of 2021 on the file of the Judicial Magistrate, Perundurai



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and consequently to quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Chinnaraj
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1
Mr.K.Venkateshwaran for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in S.T.C. No. 948 of 2021 on the file of Judicial Magistrate, Perundurai.

2. Heard both sides.

3. The petitioners are ranked as A1 to A3 in the F.I.R. in Crime No.77 of 2021 registered for the offence under Sec.447 and 427 of I.P.C. based on the complaint given by 2nd respondent/defacto complainant. Subsequently, the charge sheet has been filed and the same was taken on file in S.T.C.No.948 of 2021 on the file of Judicial Magistrate,



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Perundurai and the same is pending. According to the prosecution, the land in Survey No.203/2 an extent of 0.87.00 ares belong to 2nd respondent/defacto complainant and he had obtained a lease in Chinnaveerasangili village an extent of 5 cents from a neighbouring land owner for cart track right of his property. After the lease of the said land, he had erected a grill gate for security purpose, but the accused have trespassed into the property and removed the grill gate in order to obliterate the said pathway. Hence, a complaint was lodged and subsequently charge sheet was filed. Now, challenging the said charge sheet, the petitioners have filed this petition.

4. The learned counsel for petitioners would submit that they have been falsely implicated in this case by the 1st respondent police as per the complaint given by the 2nd respondent/defacto complainant. In fact, the property belongs to Manisamy @ Manisekaran through a sale deed dated 02.11.1979, but the leasehold property relied on by the 2nd respondent is with respect to Survey No.203/1, which is a cart track, however, the property belongs to him is Survey No. 203/2. Now, he is disputing the



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pathway right claimed by the petitioners. Hence, he prayed to quash the charge sheet initiated against the petitioners.

5. Records perused. On perusal of records, it reveals that there is a civil suit in O.S.No.129 of 2020 is pending before the District Munsif Court, Perundurai. In that suit, the 1st petitioner is claiming the relief praying to cancel the sale deed dated 25.02.1998 stands in the name of 3rd defendant one S.Eswaramoorthy and other consequential relief. Now, the subject in issue is in respect of Survey No.203/1, wherein the 2nd respondent/defacto complainant is having right to access through the leasehold agreement. But, the claim of 1st petitioner is in respect of Survey No.203/2. According to the 2nd respondent/defacto complainant, the petitioners have removed the grill gate and obliterated the pathway, thereby they have caused interference. However, he is having a CCTV footage in respect of removal of grill gate and the same was handed over to the 1st respondent police. Therefore, whether the grill gate removed by the petitioners is illegal or not? it is a matter for trial, since there is a CCTV footage relied by the 2nd respondent. Hence, I do not find any



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irregularity in the charge sheet initiated by the 1st respondent police and this Court is not inclined to quash the proceedings initiated against them. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
rpp

To

1. Inspector of Police,
Thingalur Police Station,
Erode Dt.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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