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Crl.O.P.No.15434 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

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

Crl.O.P.No.15434 of 2024

and

Crl.M.P.No.9428 of 2024

1.Sridhar
2.Jagan
3.Murugan

... Petitioners

Vs.

1.The State Rep.by
The Sub Inspector of Police (L &O),
K-3, Police Station,
Aminjikarai,
Chennai-600 040.

2.Dilip Kumar

[R2 impleaded as per order of this Court
in Crl.M.P.No.9540/2024 in Crl.O.P.No.
15434/2024 dated 02.07.2024]

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records pertaining to the proceedings in Crime No.332 of 2024 dated 05.06.2024 of the respondent police and quash the same.

For Petitioners : Mr.K.N.Nataraj
For R1 : Mr.K.M.D.Muhilan



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Government Advocate (CrI.Side)

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For R2

: Mr.K.G.Senthil Kumar

ORDER

A complaint alleging illegal trespassing into the land of the complainant and demanding ransom to vacate been taken up for investigation in Crime No.332 of 2024 by the respondent police on 05.06.2024. To quash the said complaint, the present petition is filed under Section 482 of Cr.P.C., on the ground that there is a dispute in respect of the property in which the association known as Nelson Manickam Salai Lorry, Van, Tempo Owners' Association, by suppressing the pendency of the suit complaint has been lodged and pursuant to the impugned complaint, the petitioner was called for enquiry under summons.

2. According to the petitioners, a civil dispute which already been seized off by the competent civil Cour, now been given criminal colour through representation of the alleged owner of the property and therefore, following the dictum laid down by the Hon'ble Supreme Court in catena of judgments, the complaint has to be quashed.

3. The defacto complainant has filed implead petition. The



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learned counsel for the defacto complainant would submit that the petitioners are illegal occupants of the place. They have committed criminal trespass, when that was questioned, the defacto complainant was threatened with dire consequence. Regarding the pendency of the civil suit, the learned counsel appearing for the defacto complainant submits that the civil suit is route to avoid criminal prosecution and there is no interim order in the matter pending.

4. Taking note of the submissions, it is suffice to direct the respondent police to conduct enquiry on the complaint and verify whether there was any criminal intimidation or trespass which warrants cognizance to be taken and shall proceed further in accordance with law.

5. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

02.07.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

Dr.G.JAYACHANDRAN,J.

rpl

To



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1.The Sub Inspector of Police (L &O),
K-3, Police Station,
Aminjikarai,
Chennai-600 040.

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

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