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Crl.OP.No.15056 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.15056 of 2024

and

Crl.MP.No.9218 of 2024

1. K.Kumar
 2. D.Veeraragavan @ Veeraragavalu
 3. K.Babu
 4. L.Sandhanbabu @ Sandanakrishnan
 5. V.T.Lakshmipathy
- ... Petitioners

Vs.

1. State by
The Sub Inspector of Police,
G-2, Uthiramerur Police Station,
Kancheepura District.

2. Mrs.Malliga
- ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, call for the records in Cr.No.157 of 2024 on the file of the Sub Inspector of Police, G3, Uthiramerur Police Station, Uthiramerur, Kancheepuram District and quash the same.

For Petitioner : Mr.K.Baskar

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)
for R1



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ORDER

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This Criminal Original Petition is filed to quash the complaint in Cr.No.157 of 2014 pending investigation on the file of the first respondent police for the alleged offences under Sections 147, 447, 506(i) IPC and Section 3(i) of TN Public Property (Prevention of Damage & Loss) Act, 1992.

2. The petitioners herein are accused in Cr.No.157 of 2014. In the complaint alleged that there is a property dispute between the petitioners and one Mallika. The defacto complainant making false claims over the property had tried to induce the police get the case registered. However, the respondent police did not registered the case being a civil dispute. Suppressing those facts, the fourth respondent has filed a complaint before the learned Judicial Magistrate, Uthiramerur under Section 156(3) of Cr.P.C. On the direction of the learned Judicial Magistrate, the present FIR been registered.

3. The learned Government Advocate(Crl.Side) appearing for the respondent police on instructions from the Investigating Officer submits



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that serious allegations against the petitioners is made in the complaint regarding the destruction of the property by using JCB. The photographic evidence collected during the course of investigation indicates that criminal trespass committed by these petitioners on the land of the defacto complainant. The matter is under investigation and within a period of sixty (60) days final report will be filed.

4. It is the case where the Judicial Magistrate on *prima facie* satisfactum about the nature of the complaint has directed the police to register the complaint , investigate and file final report. Accordingly, the respondent police has registered the complaint and has commenced the investigation. Since there is element of criminal overt act attributed to the petitioners herein, it cannot be construed *per se* civil dispute, to quash. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

27.06.2024

Vv



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To

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1. The Sub Inspector of Police,
G-2, Uthiramerur Police Station,
Kancheepura District.
2. The Public Prosecutor,
High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.



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Vv

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