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CrI.O.P.No.17371 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.17371 of 2023
& CrI.M.P.No.11255 of 2023

- 1.Mrs.G.Jothi.
2. Govindharaj.
3. R.G.Ganesan @ Bullet Ganeshan. ... Petitioners/Accused 1 to 3

/versus/

1. The State of Tamil Nadu.
Rep. by the Inspector of Police,
Sholagiri Police Station,
Krishnagiri. ... 1st Respondent/Complainant
2. Mr.Satish Kumar. ... 2nd Respondent/defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records of the 1st respondent pertaining to FIR laid in Crime No.90 of 2023 on the file of Shoolagiri Police Station, Krishnagiri and quash the same in so far as the petitioners are concerned.

For Petitioners	: Ms.S.Divyabharathi
For R1	: Mr.S.Udaya Kumar Government Advocate (CrI.Side)
For R2	: No appearance



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ORDER

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The case has been registered against the petitioners in Crime No.90 of 2023 for the alleged offence under Section 427, 447, 294(b), 506(i) of I.P.C. According to the complaint, 32 acres of land in Ullatti Village owned by the complainant and partners were agreed to be purchased by these petitioners and an advance of Rs.25 lakhs paid and promised to pay the balance sale consideration within a period of two months. Having failed to pay the balance consideration, the defacto complainant informed the accused persons to get back the money paid as advance and sold part of the property to the third parties to made out his financial commitment. While so, on 29.12.2022, the petitioners, along with their henchmen, allegedly trespassed into their land and damaged the fencing and other properties worth Rs.2.5 lakhs. Hence the complaint.

2. The Learned Counsel appearing for the petitioners would submit that they entered into an agreement to purchase the land and had paid substantial amount as advance, even when they were ready to pay the balance amount and complete the sale, the defacto complainant cheated them, refused to



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execute the sale deed after receiving the balance amount, but had sold part of the property to third parties. In this connection, a suit has been instituted by them against the defacto complainant and the third party purchasers and the same is pending before the District Court, Krishnagiri, in O.S.No.290 of 2023. While so, to pressurise the petitioners, a false complaint has been lodged and the same has to be quashed.

3. The Learned Government Advocate (CrI.Side) appearing for the 1st respondent states that the petitioners, by advancing a paltry sum of money as sale consideration for the property, had attempted to take forcible possession of the property by trespassing into the land and caused damage to the property worth Rs.2.5 lakhs. Hence, the case has been registered and the investigation is substantially completed.

4. Even if there is a civil dispute regarding the transfer of property since the petitioners have taken law into their hands and caused damage to the property by committing criminal trespass, they are liable to be prosecuted for the offence under Section 447, 427, 294(b) and 506(i) of I.P.C and therefore, the petition to quash is liable to be dismissed.



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5. This Court, after giving due consideration to the documents placed and the arguments put forward by the Learned Counsels finds that though the case apparently looks like a civil dispute, the act of criminal trespass and damage to the property attracts criminal prosecution as it is a cognizable offence. Whether the allegations are true or not can be determined only on completion of the investigation and not before that.

6. Hence, the petition to quash the complaint without investigation is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

26.04.2024

Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:-

1. The Inspector of Police, Sholagiri Police Station,
Krishnagiri.

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



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Dr.G.JAYACHANDRAN,J.

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