



Crl. O.P.No.17770 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.17770 of 2024

and

Crl.MP.No.10552 of 2024

1. Siva
2. Indhira

.. Petitioners

Vs.

1. The Deputy Superintendent of Police,
Ginjee Sub Division,
Villupuram District.
2. State by
The Inspector of Police,
Kedar Police Station,
Villupuram District.
(Cr.No.220 of 2024)

3. Vijaya

.. Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the Cr.No.220 of 2024 on the file of the Inspector of Police, Kedar Police Station, Villupuram District and quash the same.



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For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)
for R1 and R2

: No appearance for R3

ORDER

This Criminal Original Petition is filed to quash the FIR in Cr.No.220 of 2024 on the file of second respondent police based on the complaint given by the third respondent. Notice served to the third respondent privately, no appearance on her behalf.

2. The perusal of the complaint indicates that the third respondent belongs to the Scheduled Caste community, along with her eleven persons, Government has issued free patta for land without costs. On the strength of the patta, she has put up construction in the land allotted to her. While so, the petitioner herein, destroyed the thatched bath room and quarrelled and also abused the daughter-in-law of the complainant in filthy language.



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3. The learned counsel appearing for the petitioner states that there is no averments in the complaint that the petitioner abused the daughter-in-law of complainant calling her caste or he trespassed into the property of the complainant. While so, the police themselves had included Sections which are not form part of the complaint. He further submits that it is purely a cock and bull story invented by the complainant to maliciously prosecute the petitioner who happens to be her neighbour.

4. The learned Government Advocate (Crl.Side) submits that based on the complaint and the community of the complainant, case has been registered under SC/ST Act and further in this case is entrusted to Officer in the rank of Deputy Superintendent of Police. They have fairly conceded that there is no injury to the complainant to attract Section 324 of IPC.

5. This Court on considering the material find that it is an attempt to trespass into the land of the petitioner by the defacto complainant given a criminal colour as if the petitioner abused the daughter of the defacto complainant in filthy language and called her by her community name. Where there is no material to substantiate the complaint. Therefore, this



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case to be quashed on the ground of malicious prosecution.

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6. Accordingly, this Criminal Original Petition is allowed.

Consequently, the connected miscellaneous petition is closed.

15.10.2024

Vv

To

1. The Deputy Superintendent of Police,
Ginjee Sub Division,
Villupuram District.
2. The Inspector of Police,
Kedar Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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