



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM:

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

CRL.OP No. 32219 of 2022 &
CrI.MP.Nos.19805 of 2022

1 A.ARIVUSUDAR

S/O. ANBU NO.20 WARD NO.2 THABALKARA
ANUMANTHAN STREET TIRUPATTUR TALUK AND
DISTRICT.

2 D. ARIVAZHAGAN

S/O. DEVARAJ DOOR NO.34A TIRUPPATUR MAIN
ROAD VAKKANAMPATTI POST JOLARPETTAI
TIRUPATTUR TALUK AND DISTRICT.

3 D. MANIMEGALAI

W/O. DEVARAJ VAKKANAMPATTI POST
JOLARPETTAI TIRUPATTUR TALUK AND DISTRICT.

4 K. JAYAPRAKASAM

S/O. KANNIYAN NO.17 KOMALA GOUNDER STREET
SOLAIYUR JOLARPETTAI TIRUPATTUR TALUK AND
DISTRICT.

5 T. MANOKARAN

S/O. TIRUPATHY NO.1/226 MANIYAKARAR VATTAM
VELLANAIKANERI SORAKAYALNATHAMVILLAGE
NATRAMPALLI TALUK TIRUPPATTUR DISTRICT.

6 M. SONIYA

D/O. MANOKARAN NO.1/226 MANIYAKARAR VATTAM
VELLANAIKANERI SORAKAYALNATHAM VILLAGE
NATRAMPALLI TALUK TIRUPPATTUR DISTRICT.

7 M. DHANASELVAM



S/O. MUNUSAMY NO.108 ADI DRAVIDAR VATTAM
VELLANAIKANERI SORAKAYALNATHAM VILLAGE
NATRAMPALLI TALUK TIRUPPATUR DISTRICT.

8 R. LOGANATHAN

S/O. RAJA NO.2/25 KATTURAN VATTAM
VELLANAIKANERI SORAKAYALNATHAM VILLAGE
NATRAMPALLI TALUK TIRUPPATUR DISTRICT.

...Petitioners

Vs.

1 THE STATE REP.BY

THE INSPECTOR OF POLICE THIMMAMPETTAI
POLICE STATION THIRUPATTUR DISTRICT. CR.NO.
163/2022

2 M. MATHI

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records of the case in Cr.No.163 of 2022 on the file 1st Respondent Police Quash the same.

For Petitioner	:	Mr.S.V.Karthikeyan
For R1	:	Mr. S.Vinoth Kumar,
		Government Advocate Criminal side
For R2	:	Mr.V.V.Sathya

ORDER

The petitioner herein filed this petition to call for the records of the case in Cr.No.163 of 2022 on the file 1st Respondent Police Quash the same.

2. The case of the prosecution is that on 15.12.2022, the defacto



complainant along with her daughter and also the accused persons appeared before the respondent police for enquiry in respect of dispute in land situated in survey No. 158/2 at Sorakayalnatham, at that time, the petitioners were threatened the defacto complainant also stated that they would demolish his house and also abused him. Thereafter, on the same day, the petitioners along with other accused persons have set fire to the defacto complainant house. Hence, the FIR was filed by the respondent police in crime No. 163 of 2022 under Section 147, 148 and 436 of IPC.

3. The learned Counsel for the petitioners submit that there was civil dispute between the petitioners and the defacto complainant in respect of property in survey No. 158/2 at Sorakayalnatham and the suit filed by the third petitioner in O.S No. 883 of 1979 and the said suit was decreed. Aggrieved that the defacto complainant filed another suit by suppressing earlier suit proceedings in O.S No. 224 of 2010 on the file of the Additional District Munsif, Tiruppatur. and the said suit was dismissed on 05.03.2018. As on date, the petitioners 2 and 3 enjoyed the suit property. Aggrieved, the said dismissal of the suit, at the instigation of her daughter the defacto complainant lodged a false complaint as such the petitioners damaged the property by setting fire is not acceptable. Hence, the petitioner filed this



petition.

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4. The learned counsel for the second respondent/defacto complainant submits that in order to harass defacto complainant the petitioners along with others were set fire to his house.

5. Even as per FIR allegations, on the date of alleged occurrence one lady heard the female voice based on that the defacto complainant gave the complaint. Admittedly, the defacto complainant was not at the occurrence place hence there is no prime facie material against the petitioners to show that they were engaged the persons to set fire in the defacto complainant's house. Further, there is civil suit between the parties in respect of enjoyment of the land. Hence, this Court is inclined to quash the FIR in crime No. 163 of 2022.

6. In the result, this petition is allowed. No Costs. Consequentially connected miscellaneous petition is closed.

05.02.2024

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To
1. The Public Prosecutor,



High Court, Madras.

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2. THE INSPECTOR OF POLICE THIMMAMPETTAI
POLICE STATION THIRUPATTUR DISTRICT.

T.V.THAMILSELVI, J.



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