



Crl.O.P.(MD) No.2497 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.2497 of 2021

and

Crl.M.P.(MD) No.1311 of 2021

1.G.Sankarnarayanan

2.R.Ashokkumar

3.S.Renugadevi

4.S.Kalaiarasi

... Petitioners

Vs.

1.State rep. by the
Inspector of Police,
Allangulam Police Station,
Virudhunagar District.
(Crime No.168 of 2019)

2.V.Selvarani
W/o.Vengadachalapathy
Panchayat Clerk, T.Karisalkulam,
Alangulam Post, Vembakottai Taluk,
Virudhunagar District.

3.The Block Development Officer,
Vembakottai,
Virudhunagar District.

... Respondents

[R3 *suo motu* impleaded by this Court *vide*
order dated 31.01.2024]



Crl.O.P.(MD) No.2497 of 2021

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records pertaining to the charge sheet in P.R.C.No.16 of 2020 on the file of the Judicial Magistrate Court No.II, Sathur and quash the same as illegal.

For Petitioners : Mr.T.Thirumurugan

For R1 & R3 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

For R2 : No appearance

ORDER

Seeking to quash the final report in P.R.C.No.16 of 2020 on the file of the Judicial Magistrate Court No.II, Satur, the present Criminal Original Petition is filed by the accused.

2. Subsequent to the filing of the present Petition, the case in P.R.C.No.16 of 2020 was committed to the court of sessions and the learned Principal District Judge, Virudhunagar has taken the case on file as S.C.No.119 of 2021.

3. The case of the prosecution in a nutshell is as follows:



Crl.O.P.(MD) No.2497 of 2021

(i) The land in Survey No.737/20 of A.Lakshmipuram Village, Vembakottai Taluk, Virudhunagar District belonged to the Government and the revenue authorities have kept a Sintex Water Tank in the said land for distributing drinking water to the villagers.

(ii) On 04.09.2019, at about 10.15 a.m., all the accused destroyed the said Water Tank. When they were confronted by the *de facto* complainant, a Panchayat Clerk, the fourth petitioner (A4) shouted at her.

(iii) Based on the complaint given by the *de facto* complainant, FIR in Crime No.168/2019 was registered by the Sub-Inspector of Police, Alankulam Police Station against all the 4 accused for an offence punishable under Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. The Inspector of Police after concluding investigation filed a final report in P.R.C.No.16 of 2020 before the learned Judicial Magistrate No.II, Satur who in turn committed the case to the court of sessions after furnishing copies of records to the accused under Section 207 of Cr.P.C. The learned Principal District Judge, Viruthunagar took the case on file as S.C.No.119 of 2021.



Crl.O.P.(MD) No.2497 of 2021

4. Mr.T.Thirumurugan, learned counsel for the petitioners would submit that the land in Survey No.737/20 is a patta land which absolutely belonged to the fourth petitioner Kalaiarasi (A4). He drew the attention of this Court to the decree and judgment passed by the learned District Munsif, Sivakasi in O.S.No.151 of 2015, on 04.01.2016 and contended that the learned District Munsif had held that the property in Survey No. 737/20 measuring 70.4 square meters absolutely belonged to the fourth petitioner. His further contention is that the fourth petitioner purchased the land in Survey No.737/20 from one R.Kumar, R.Dhanabalan, R.Jothi, Kamachi and Kodeeshwari through a registered sale deed dated 05.09.2013 and ever since the date of purchase, the present petitioners are in peaceful possession and enjoyment of the said property. He would therefore contend that the petitioners cannot be charged for the offence punishable under Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

5. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Crl. Side) appearing for the official respondents would contend that the property in Survey No.737/20 belonged to the Government as is evidenced by an extract of 'A' Register and FMB Sketch. His further



Crl.O.P.(MD) No.2497 of 2021

contention is that in the suit in O.S.No.151 of 2015, the Government was not made as a party and moreover the decree was an *exparte* decree. It is also his contention that the fourth petitioner (A4) after getting the sale deed executed in her favour did not apply for getting a patta for the said land in her favour. According to him, in the circumstances, there are no valid grounds to quash the final report in S.C.No.119 of 2021 on the file of the Principal District Court, Virudhunagar.

6. The contention of the petitioners is that the land in Survey No. 737/20 is a patta land and absolutely belonged to the fourth petitioner (A4) as per the sale deed dated 05.09.2013. The suit in O.S.No.151 of 2015 was filed before the District Munsif Court, Sivakasi by the fourth petitioner (A4) against one A.N.Paramanatha Vel, for declaration of title of the fourth petitioner (A4) and for a permanent injunction restraining the said A.N.Paramanatha Vel (defendant) from interfering with her peaceful possession and enjoyment of the said property. The defendant in the said suit remained absent and therefore he was set *exparte*. The learned District Munsif, Sivakasi after perusing the sale deed in favour of the fourth petitioner (A4), decreed the suit in her favour.



Crl.O.P.(MD) No.2497 of 2021

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7. It is pertinent to point out that in the suit, the Government has not been made as a party. It appears that the suit in O.S.No.151 of 2015 has been filed in collusion with the said A.N.Paramanatha Vel (defendant). A perusal of the extract of 'A' Register and FMB Sketch shows that the property in Survey No.737/20 belonged to the Government. A perusal of FIR and the final report also *prima facie* shows that the present petitioners have committed the offence punishable under Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. In the circumstances, I do not see any reason to quash the final report.

8. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

13.03.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
JEN

To:

1.The Judicial Magistrate No.II,
Sathur, Virudhunagar District.



Crl.O.P.(MD) No.2497 of 2021

- 2.The Inspector of Police,
Allangulam Police Station,
Virudhunagar District.
- 3.The Block Development Officer,
Vembakottai,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.2497 of 2021

R.HEMALATHA, J.

JEN

Crl.O.P.(MD) No.2497 of 2021
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13.03.2024