



CrI.O.P.(MD)No.2008 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **30.01.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.2008 of 2022

and

CrI.M.P.(MD).No.1461 of 2022

1.Maruthupandi

2.Selvan @ Madasamy

3.Shanmugaraj

4.Kottaitthai

5.Velumayil

6.Petchiammal

... Petitioners/Accused Nos.1 to 6

Vs.

1.The State rep by its

The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.

(In Crime No.570 of 2021)

... 1st Respondent/Complainant

2.Krishnamoorthy

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Crime No.578 of 2021 on the file of the 1st respondent police and quash the same.

For petitioners

: Mr.R.J.Karthick

For R-1

: Mr.B.Nambiselvan

Additional Public Prosecutor

For R2

: Mr.R.Babu Jaganath



ORDER

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This petition has been filed seeking to quash the proceedings in Crime No.578 of 2021 on the file of the 1st Respondent Police and quash the same.

2.The learned counsel for the petitioners would submit that the petitioners are the brothers and sisters. The property in S.No.464/1A, S.No.465/1D1 and S.No.466/3 at Vadakupudur Village, Irumangalam, Sankarankovil aluk, Tenkasi District, is a ancestral property. In the year 2006, the father of the petitioners and the petitioners 1 to 3 sold their share to one Rajasekar, who is the elder brother of the defacto complainant. The petitioners 4 to 6 are in possession of their respective share of the property. Thereafter, in the year 2019, the petitioners' father died leaving the petitioners as his legal heirs. After his demise, the said Rajasekar inisted the petitioners 4 to 6 to sell their share in his favour and the same was refused by them. Hence, the petitioners 4 to 6 filed a suit in O.S.No.45 of 2015 before the Subordinate Court, Sankarankovil, against the petitioners 1 to 3, defacto complainant & said Rajasekar, seeking partition. Since the defacto complainant and his brother Rajasekar continuously disturbing the fifth petitioner, she made a fence in her property. The defacto complainant and his brother trespassed into the



property and caused damaged to the fence. Hence, the fifth petitioner made a complaint before the respondent police. Since there was no action, the fifth petitioner sent a complaint to the Superintendent of Police, Tenkasi, to take action against the defacto complainant and his brother. Again, there was no action, the fifth petitioner filed a petition in W.P.(MD)No.14763 of 2020 before this Court seeking a direction to the respondents to take action on the complaint given by her. By the order dated, 28.10.2020, this Court directed the Superintendent of Police, Tenkasi, to conduct personal enquiry on the complaint given by her and restrained the local police from interfering in the civil dispute. Even though there was no action, the fifth petitioner sent a contempt notice to the Superintendent of Police, Tenkasi. Due to which, the Superintendent of Police, Tenkasi, had grudge over the petitioners. In order to avoid contempt proceedings, the present false complaint has been registered against the petitioners. Hence, he prayed to allow this petition by quashing the FIR.

3. The learned counsel for the defacto complainant would submit that in the year 2006, the defacto complainant and his elder brother Rajasekar purchased a property from the petitioners' father and the petitioners 1 to 3. On 28.11.2021, at about 03.15 p.m, the petitioners



trespassed into the property. When the same was questioned by the Watchman and one Hotachi Operater one Baskar, they abused them in filthy language and caused damage to the fence. Hence, the present complaint.

4.The learned Additional Public Prosecutor would submit that as per the order passed by this Court dated 28.10.2020, on the complaint given by the fifth petitioner, the Superintendent of Police, Tenkasi, conducted investigation and closed the same on 07.03.2022 and closure report was filed before the concerned Court.

5.Heard the learned counsel for the petitioners, learned Additional Public Prosecutor for the respondent police and the learned counsel for the second respondent.

6.Considering the facts and circumstances of the case and also considering the fact that the present issue was covered by the report of the Superintendent of Police, Tenkasi, dated 07.03.2022, nothing survives for further adjudication in this case.



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7. Accordingly, this Criminal Original Petition is closed.

Consequently, the connected miscellaneous petition is closed.

8. However, it is made clear that if the present issue was not covered by the report of the Superintendent of Police, Tenkasi, it is open to the Law Enforcing Agency to proceed with the case in accordance with law.

30.01.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
dss

To

1. The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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