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CrI.O.P.(MD)No.7159 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2024**

CORAM:

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

CrI.O.P.(MD) No.7159 of 2022

and

CrI.M.P.(MD)No.4922 of 2022

1.R.Thirunavukarasu

2.T.Vinothkumar

3.T.Manimegalai

... Petitioners

Vs.

1.State Rep. By
The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.137 of 2022

2.Duraipandian

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of C.P.C., to call for the entire records pertaining to the case in Crime No. 137 of 2022 pending on the file of the Inspector of Police, Melur Police Station, Madurai District and quash the same as against the petitioner.

For Petitioners : Mr.R.Anand

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor for R1

Mr.K.Mahendran for R2



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ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.137 of 2022 pending on the file of the first respondent police.

2.The case of the petitioners is that the first petitioner is the owner of the disputed property and they fenced the property in order to avoid the encroachment from other alienates. However, the second respondent, who is the village headman, made a complaint before the first respondent police stating that the petitioners encroached the revenue property. Thereby, the first respondent police registered a case in Crime No.137 of 2022 against the petitioners for the alleged offences punishable under Sections 294(b), 447, 323, 427 and 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Challenging the same, the present petition is filed.

3.The learned counsel for the petitioners would submit that this Court may issue a direction to the first respondent police to send a proposal to the concerned Firka Surveyor to measure the property and also permit the petitioners to produce necessary documents to the Firka



Surveyor to measure the property and thereafter, the first respondent police may complete the investigation and file a report as 'action dropped', if the petitioners produce the documents to establish that they have right over the property.

4.The learned counsel for the second respondent would submit that the disputed property is vested with the Municipality, in which, the petitioners have no right or title over the property. However, he has no serious objection for appointing the Firka Surveyor to measure the property based on the documents owned by the petitioners as well as the Municipality.

5.In view of the limited request sought for by the petitioners, this Court is inclined to issue the following directions:

(i) The first respondent is directed to send a proposal to the Firka Surveyor, Melur Taluk, Madurai, to measure the property based on the documents owned by the petitioners as well as the Municipality;

(ii)The petitioners and the Municipality are directed to produce necessary documents to the Firka Surveyor, Melur Taluk, Madurai with regard to the disputed property; and



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(iii) After receipt of the report, the first respondent police is directed to proceed the matter in accordance with law.

The said exercise shall be done within a period of three months from the date of the receipt of a copy of this order.

6. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

04.03.2024

Index : Yes/No
NCC : Yes/No
SJI

To

1. The Inspector of Police,
Melur Police Station,
Madurai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Firka Surveyor,
Melur Taluk,
Madurai.



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M.DHANDAPANI. J.

SJI

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