



Crl.O.P.(MD)No.11955 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.11955 of 2021 &
Clr.M.P.(MD)Nos.6109 & 6112 of 2021

1.Alli
2.Annalakshmi
3.Murugalakshmi

... Petitioners

vs.

1.The Inspector of Police,
Perunazhli Police Station,
Ramanathapuram District.
(Crime No.88 of 2019)

2.Selvam,
Village Administrative Officer,
Avathandai Group,
Kadaladi Taluk,
Ramanathapuram.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in S.T.C.No.92 of 2020 on the file of District Munsif cum Judicial Magistrate, Kamuthi and quash the same.

For Petitioners : Mr.S.Muniyandi

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)



CrI.O.P.(MD)No.11955 of 2021

ORDER

Seeking to quash the final report in S.T.C.No.92 of 2020 on the file of the District Munsif cum Judicial Magistrate, Kamuthi, the present Criminal Original Petition is filed.

2. The petitioners are arrayed as accused 1 to 3 in S.T.C.No.92 of 2020.

The case of the prosecution is that when the defacto complainant, Selvam, Village Administrative Officer along with other officials went to Kookkadi Village to remove the encroachments as per the orders passed by this Court in W.M.P.(MD)No.24506 of 2018 and W.M.P.(MD)No.22215 of 2018, the accused abused them in filthy language and also prevented them from discharging their duty. Based on the complaint given by the defacto complainant, FIR was registered in Crime No.88 of 2019 of Perunazhi Police Station, Ramanathapuram. The Sub Inspector of Police, Perunazhi Police Station after conducting investigation laid a final report in S.T.C.No.92 of 2020 before the District Munsif cum Judicial Magistrate, Kamuthi.



Crl.O.P.(MD)No.11955 of 2021

WEB COPY

3. Mr.S.Muniyandi, learned counsel appearing for the petitioners contended that in the complaint, the date, time and place of occurrence have not been indicated and that there are no materials to show that the petitioners / accused committed an offence punishable under Section 294(b) IPC. It is his further submission that the officials even without issuing any notice, had come down to the village and started removing the encroachments made in the Government land and that they did not inform the petitioners / accused that they are empowered to remove the encroachments.

4. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the first respondent would contend that the Police after conducting proper investigation had laid a final report and there is no valid ground to quash the same.

5. A perusal of the FIR in Crime No.88 of 2019 and Section 161(3) Cr.P.C statements of witnesses *prima facie* shows that, on 15.11.2019, at about 3.00 pm, the petitioners / accused prevented the



CrI.O.P.(MD)No.11955 of 2021

WEB COPY

Government Officials from discharging their duty when they were about to execute the orders passed by this Court in W.M.P.(MD)No.24506 of 2018 and W.M.P.(MD)No.22215 of 2018 at Kookkadi village. The contention of the learned counsel for the petitioners is that date, time and place of occurrence have not been indicated either in FIR or in Section 161(3) Cr.P.C statements of the witnesses. It is seen from the records that the defacto complainant and two other officials had gone to Kookkadi village and identified the encroachments made by the petitioners / accused in S.No.394/1 near Sri Ujjaini Kali Amman Temple with the help of Mrs.Geetha, Village Administrative Officer. It is alleged that the petitioners / accused prevented the officials from removing the encroachments and also abused them in filthy language. Though the petitioners have not denied their presence in the place of occurrence, their contention is that the defacto complainant and two other official did not inform them that they have come down to the village to remove the encroachments as per the orders of High Court. It is also the contention of the learned counsel for the petitioners / accused that the officials even without issuing any notice had started removing the encroachments. If



CrI.O.P.(MD)No.11955 of 2021

WEB COPY

the petitioners / accused are aggrieved by the action of the officials, they should have approached appropriate Court and they cannot take law into their own hands by preventing the Officials from executing the orders passed by this Court. The Investigation Officer had done a detailed investigation and the learned District Munsif cum Judicial Magistrate, Kamuthi had also framed charges against the accused and the case in S.T.C.No.92 of 2020 stands posted for trial.

6. In such circumstances, the final report in S.T.C.No.92 of 2020 before the District Munsif cum Judicial Magistrate, Kamuthi cannot be quashed on the grounds raised by the present petitioners. Accordingly, the Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed.

02.02.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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CrI.O.P.(MD)No.11955 of 2021

To
WEB COPY

- 1.The District Munsif cum Judicial Magistrate,
Kamuthi
- 2.The Inspector of Police,
Perunazhli Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

R.HEMALATHA, J.



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CrI.O.P.(MD)No.11955 of 2021

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CrI.O.P.(MD)No.11955 of 2021

02.02.2024