



Crl.O.P.(MD)No.13212 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.13212 of 2022
and
Crl.M.P.(MD)No.8424 of 2022

1.Jayaprakash @ Jayaprakasan
2.Sundararajan

... Petitioners

Vs.

1.State:
Rep. by The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.300 of 2022)

2.Muthu

3.Sri Guru Vidhya Peedam
(Oriental Sanskrit School Trust)
Rep. by its Joint Trustee
Tmt.S.Dhanalakshmi

4.Roshan Manavalan

... Respondents

[R3 and R4 are impleaded vide order dated 02.08.2022
in Crl.M.P.(MD)Nos.9012 and 9013 of 2022]

PRAYER : Criminal Original Petition filed under Section 482 of the
Code of Criminal Procedure, to call for the records relating to the case in



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Crime No.300 of 2022, dated 26.05.2022 on the file of the Inspector of Police, Kulithalai Police Station, Karur District and quash the same as against the petitioners.

For Petitioners : Mr.M.Karunanithi

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

Mr.V.Meenakshi Sundaram for R2

ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.300 of 2022 on the file of the first respondent.

2.The case of the prosecution is that the second respondent has been working under the third respondent and the fourth respondent got a lease deed in his favour, which was executed by the Trustee of the third respondent Trust, namely, N.S.Rajagopalan on 24.03.2017. When the second respondent and others were doing work in the agricultural field, the petitioners trespassed into the second respondent's land with aruval and crowbar and attacked him and threatened him and also damaged the fencing. Thereby, the second respondent made a complaint before the



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first respondent police and based upon which, a case in Crime No.300 of 2022 was registered against the petitioners for the alleged offences punishable under Sections 147, 148, 427, 448 and 506(ii) of IPC.

3.The learned counsel appearing for the petitioners would submit that the petitioners' owner, namely, S.S.Manikandan, who is one of the trustees of the Sapthakiri Research & Medical Foundation, had taken a lease from one N.S.Rajagopalan and there was a trusteeship dispute between the petitioners' owner and the third respondent's trust and earlier, the third respondent's trust filed a suit against the petitioners' owner/lessor and the said N.S.Rajagopalan and the same was dismissed by recognising the petitioners' owner's lease. However, the second respondent is in no way connected with the property. Hence, this Court may permit the petitioners to produce the decree in O.S.No.249 of 2006 on the file of the District Munsif Court, Kulithalai, to the first respondent and thereafter, the first respondent may provide an opportunity to the petitioners and conclude the investigation and if the offence is not made out, they may refer the charge sheet against the petitioners and pass appropriate orders.



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4.The learned Additional Public Prosecutor appearing for the first respondent would submit that the charge sheet is made ready, however, in view of the interim order granted by this Court directing the respondent Police not to file the charge sheet, the charge sheet has not been filed, but, if this Court permits the respondent Police to file the charge sheet, the charge sheet will be filed.

5.In view of the above, this Court is inclined to issue a direction to the first respondent to hear the petitioners and peruse the Judgment and decree made in O.S.No.249 of 2006 on the file of the District Munsif Court, Kulithalai and proceed the matter further in accordance with law. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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

05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Sji

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WEB COPY

- To
- 1.The Inspector of Police,
Kulithalai Police Station,
Karur District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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M.DHANDAPANI,J.

Sji

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