



CrI.O.P.(MD)No.10004 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD) No.10004 of 2024 and
CrI.MP(MD) Nos.6796 and 6797 of 2024

1. Rajangam
2. Errammal
3. Palraj
4. Ramakrishnan
5. Ooyannan
6. Ramachandran
7. Chinnamuthu
8. Mari
9. Veyilakka
10. Pappathi
11. Ramakka
12. Muthuvettai
13. Meenatchi
14. Jeya
15. Vijayalakshmi
16. Subbu
17. Katchammal @ Pachammal

... Petitioners

Vs

- 1.The Sub Inspector of Police,
Kariapatti Police Station,
Virudhunagr District. Cr.No.181/2021.
- 2.Lakshmi Balu,
Village President,
Kambikudi Village,
Kariapatti Panchayat Union,
Virudhunagar District.

...Respondents



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Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in the case in CC.No. 573/2023 on the file of the Judicial Magistrate Court No.II Virudhunagar Virudhunagar District and quash the same as illegal violation of law as against the petitioners.

For Petitioners	: Mr.M.Jothi Basu
For R1	: Mr.M.Sakthi Kumar
	Government Advocate(Crl.side)

ORDER

This Criminal Original Petition is filed to quash the proceedings in CC.No.573/2023, on the file of the Judicial Magistrate Court No.II, Virudhunagar, insofar as the petitioners are concerned.

2.The petitioners claim that they are the owners of the land in S.Nos.180/5, 180/6A, 180/6B2, 180/7A, 180/7B, 180/9, 180/8A, 180/8B, 180/10A, 180/5, 10/10B, Pichampatti Village, Kariapatti Taluk, Virudhunagar District, and the respondents have attempted to evict them as it is a Government Land as per the Government Order in G.O.540. The Village Panchayat President has attempted to interfere with the



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possession of the petitioners claiming that it is a Nilaviyal Pathai.

Therefore, the petitioners have filed a civil suit before the District Munsif Court, Aruppukottai in OS.NO.56 of 2013 for the relief of declaration and permanent injunction and the same was dismissed by the learned District Munsif on 26.06.2020. As against the same, an appeal has been preferred before the Sub Court, Aruppukottai and the same is pending. While so, Public Interest Litigation has been filed in in WP(MD) No.17840 of 2020, seeking a Mandamus to remove the encroachment in the subject land and the same is pending. In such circumstances, the second respondent/Panchayat President along with the Tahsildar, Block Development officer and other Revenue officials have attempted to evict this petitioners from the patta land and they have also foisted a false complaint as against the petitioners that they have prevented the officials from discharging their duty. After investigation, a final report was filed and the same was taken on file in CC No.573 of 2023, for the offence under Sections 143, 294(b),332, 353 and 506(ii) of IPC by the learned Judicial Magistrate No.II, Virudhunagar and the next hearing date is 12.08.2024.



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3. According to the learned counsel for the petitioners, no one is injured in this case. However, the offence under Section 332 IPC is also added. He further submits that there is no specific averment as against the petitioners that they have abused the defacto complainant. On a vague allegation, the case has been registered for the offence under Section 294(b) IPC. He further submits that the case was originally registered as against A1 and A2. However, in the final report, 18 accused persons have been added as accused. Except the statements of the second respondent/the defacto complainant, other officials have not spoken anything about the role of the other petitioners.

4. The learned Government Advocate (CrI.side) appearing for the official respondents submits that apart from the defacto complainant, there are seven eye witnesses in this case. The Deputy Tahsildar, Block Development Officer, Revenue Inspector, Village Administrative officer and the Village Assistant were present in the scene of occurrence. Based on the statements recorded under Section 163 Cr.P.C, the final report has been filed as against the petitioners. He further submits that having disputed the nature of words uttered by the petitioners, it has been specifically mentioned that unparliamentary words have been used by the



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accused at the time of occurrence. That apart the petitioners have pelted stones at officials, when they were discharging their duty. They have initiated action based on the petition filed before this Court finding fault with the officials for not taking any action to remove the encroachment and based on the request of the Panchayat President under the Government order in G.O.540.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The Government officials, while discharging their duty, were prevented and abused with unparliamentary words by the petitioners. Hence, the complaint has been lodged. All the eyewitnesses have spoken the manner in which, the occurrence has taken place.

7.Though the petitioner has raised several grounds, this Court is of the opinion that it can be appreciated only during the trial, as it is a matter for trial. Therefore, this Court is not inclined to entertain this petition and accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to raise all these



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grounds before the trial Court, during trial. Consequently, connected
miscellaneous petitions are closed.

08.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

- 1.The Sub Inspector of Police,
Kariapatti Police Station,
Virudhunagr District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
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