



CRL OP(MD). No.13814 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04/12/2024

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

**CRL OP(MD). No.13814 of 2022
and Crl.M.P(MD) No.8842 of 2022**

1. Innasi Muthu

2. Arun Prasath

3. Arockiya Prakash

... Petitioners

Vs

1. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District. Cr.No.410/2022.

2. Angamuthu

... Respondents

PRAYER :-

Petition filed under Section 482 of Cr.P.C., to call for the records relating to the impugned FIR in Cr.No.410/2022 on the file of the Inspector Police Kovilpatti West Police Station, Thoothukudi District and quash the same.



CRL OP(MD). No.13814 of 2022

For Petitioners : Mr.V. Sasikumar

For Respondent : Mr.S.Ravi (R1)
Additional Public Prosecutor

Mr.R.Anand (R2)

ORDER

This Criminal Original Petition has been filed to quash the FIR registered in Cr.No. 410 of 2022 pending investigation on the file of the first respondent.

2.The second respondent gave a complaint to the first respondent stating that the subject property was jointly purchased by the second respondent and the first petitioner for a sale consideration of Rs.2 crore 50 lakhs. The second respondent has stated that the petitioners demanded for further sum of Rs.25 lakhs and if that amount is not paid, they will create encumbrance over the subject property. They also made one Manimaran to file a suit touching upon the subject property.



CRL OP(MD). No.13814 of 2022

3. There was an earlier dispute, which went before the Anti Land Grabbing Special Cell, Thoothukudi and it was agreed that property will be divided as per the document. However, on 06.07.2022 at about 12.30p.m., when the second respondent was taking steps to fence the land, the petitioners are said to have abused him in filthy language and threatened him with dire consequences and also damaged the fencing stones. Based on this complaint, the first respondent registered an FIR in Cr.No. 410 of 2022 for alleged offence under Sections 447, 294(b), 352, 427, 506(2) IPC.

4. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the first respondent and the learned counsel for the second respondent. Perused the records available on record.

5. The learned Additional Public Prosecutor on instructions submitted that the investigation was completed and police report was filed before the Judicial Magistrate No.II, Kovilpatti and the same was



CRL OP(MD). No.13814 of 2022

taken on file in CC No. 81 of 2023.

WEB COPY

6.In the instant case, when the petition was entertained on 01.08.2022, this Court made it clear that the respondent police will not file a final report till the disposal of the petition. In spite of this interim order, the police report has been filed before the Court below and the Court below has also taken cognizance of the same.

7.Even during the pendency of the proceedings, this Court made an attempt to amicably settle the dispute between the parties by dividing the properties with the help of an Advocate Commissioner, so that the dispute between the brothers can be brought to an end. Accordingly, an Advocate Commissioner was also appointed by this Court and the Advocate Commissioner also filed a detailed report. In spite of the report filed and in spite of the efforts taken by this Court, parties were not able to reach any settlement.



CRL OP(MD). No.13814 of 2022

8.The crux of the complaint is that there was a dispute with respect to the share in the property and when the defacto complainant was attempting to fence the property, the accused persons are said to have abused him in filthy language and attacked him with hands and caused damage to the boundary stones.

9.This Court also had the advantage of looking into the police report that has been filed by the respondent police, which has been taken cognizance by the Court below. The police report and the statements that have been recorded from the witnesses shows that except for the *ipsi dixit* of the defacto complainant, there is no material to show that any large scale violence had taken place as was sought to be projected by the defacto complainant. Probably, there was some wordy quarrel between the parties, since there was a property dispute and an exaggerated version has been given in the complaint. In short, a dispute which is purely civil in nature has been attempted to be given a criminal colour. Therefore, even after the completion of investigation, nothing substantial has been collected by the police and whatever averments have been made in the complaint is reproduced in the final report also. This



CRL OP(MD). No.13814 of 2022

Court finds that the criminal proceedings are vexatious and it has been initiated only to set right a civil dispute between the parties. Hence, this Court has to necessarily exercise its jurisdiction under Section 482 Cr.P.C and stop any further abuse of process of law.

10.In the result, the FIR in Cr.No.410/2022, on the file of first respondent Police is hereby quashed. As a consequence, the proceedings in CC No. 81 of 2023 pending on the file of Judicial Magistrate, Kovilpatti will also stand closed. This Criminal Original Petition accordingly allowed. If at all second respondent is left with any right, the same shall be worked out in the manner known to law. Consequently, connected miscellaneous petition is closed.

04.12.2024

PNM

TO

1. The Judicial Magistrate, Kovilpatti

2. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District. Cr.No.410/2022.

6/7



CRL OP(MD). No.13814 of 2022

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

N.ANAND VENKATESH,J

PNM

ORDER
IN

**CRL OP(MD) No.13814 of 2022
and Crl.M.P(MD) No.8842 of 2022**

Date : 04/12/2024