



Crl.O.P.(MD) No.16868 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.16868 of 2021

and

Crl.M.P.(MD) No.9112 of 2021

1.Subbaiah

2.Surya

3.Vijayakumar

... Petitioners

Vs.

1.The State

rep. by Sub Inspector of Police,
K.Pudhupatti Police Station,
Pudukkottai District.
(Crime No.365 of 2020)

2.Muthu

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records pertaining to F.I.R. in Crime No.365 of 2020 dated 15.11.2020 on the file of the first respondent police and quash the same.

For Petitioners : Mr.C.Christopher

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : Mr.A.Murali Kumar



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ORDER

WEB COPY Seeking to quash the F.I.R. in Crime No.365 of 2020 of K.Pudhupatti Police Station, Pudukkottai District, the present Criminal Original Petition is filed.

2. The petitioners are the accused in Crime No.365 of 2020 of K.Pudhupatti Police Station, Pudukkottai District. The dispute between the parties pertains to taking away of the teak wood in S.No.128/6 & 128/7 of Piliyavayal Village, Thirumayam Taluk.

3. The first petitioner (A1) had filed a suit in O.S.No.72 of 2006 before the District Munsif Court, Thirumayam stating that his father Sathan had purchased the properties in S.Nos.128/5, 128/6, 128/7, 126/2, 136/13, 129/14 & 130/2 of Piliyavayal Village, Thirumayam Taluk ad-measuring 1 Acres 74 ⁵/₆ Cents from one Alagappa on 25.09.1982. The said suit was filed for a bare injunction against the second respondent/*de facto* complainant and others and it is still pending.

3. The contention of the second respondent/*de facto* complainant is that he is in possession of the above said properties and the present



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petitioners/accused took away of the teak wood which was cut into pieces.

4. An Advocate Commissioner was appointed by the District Munsif, Thirumayam in O.S.No.72 of 2006 and he has also filed his report. Since both the petitioners/accused and the second respondent/*de facto* complainant contended that they are owners of the properties in S.No.128/6 & 128/7 of Piliyavayal Village, Thirumayam Taluk, the dispute can be resolved by a civil court and in this regard, the suit in O.S.No.72 of 2006 is already pending. Since this dispute between the parties is purely civil in nature, the F.I.R. in Crime No.365 of 2020 is quashed. The parties are directed to approach the concerned civil court for redressing their grievances.

5. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

14.02.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
JEN



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WEB COPY To

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



WEB COPY



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R.HEMALATHA, J.

JEN

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