



Crl.O.P.(MD)No.19719 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.19719 of 2021

and

Crl.M.P.(MD)No.11069 of 2021

1.Ramar
2.Chellammal
3.Chellapandi
4.Meenakshi

... Petitioners/Accused No.1 to 4

vs.

1.The Inspector of Police,
Elumalai Police Station,
Madurai District.

... 1st Respondent/Complainant

2.U.Raju

... 2nd Respondent/Defacto
Complainant

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the S.T.C.No.331 of 2015 on the file of the learned Judicial Magistrate No.II, Usilampatti, Madurai District and quash the same as illegal.

For Petitioners : Mr.K.Anbumanikandan

For Respondent : Mrs.M.Aasha
Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition is filed to quash the proceedings in S.T.C.No.331 of 2015 on the file of the learned Judicial Magistrate No.II, Usilampatti, Madurai District.



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2. The charge against the petitioners in the said case is that on 06.08.2024, when the defacto complainant / Revenue officials sought to clear and prepare the lands for the purpose of carrying out Mandragora work in S.Nos.284/36, 287/31, 32, 33, 34, 35, 36, 37, 38, 288/28, 29, 30, 31, 33, 34, 35 and 291/24. The petitioners accused claimed that they have got patta with reference to S.No.291/24 and prevented the officials from carrying out their official duty.

3. On a perusal of the material records of the case and the statement of the witnesses, it can be seen that the first petitioner has got a decree in O.S.No.556 of 2014 on the file of the learned District Munsif cum Judicial Magistrate, Peraiyur, in his favour with reference to S.No.219/4. The suit itself is filed against the President and Block Development Officer, Sedapatti Union. Therefore, when the petitioners approached the civil court and got a decree against the local president of the village that their patta land cannot be encroached upon for the purpose of MNREGA activities, once again, in the guise of preparing for the MNREGA activity, the petitioners' land also sought to be included in the survey. The statement of the witnesses clearly shows that the petitioners insisted that to first demarcate the said piece of land and therefore, they can carry out the work in the rest of the land.



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4. In view of the judgment of the civil Court in their favour and granting a permanent injunction against the Panchayath President and the Block Development Officer and in view of the petitioners' statement that they only insisted the officials to first demarcate the said piece of land and thereafter, carry on the work, I'm of the view that, even considering the allegations on the face value and the offence is not made out against the petitioners, especially when the petitioners have got a Civil Court decree in their favour, the proceedings pending against them is liable to be quashed.

5. Accordingly, the proceedings in S.T.C.No.331 of 2015 on the file of the learned Judicial Magistrate No.II, Usilampatti, Madurai District, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

16.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/ No
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D.BHARATHA CHAKRAVARTHY, J.

dss

To

1. The Judicial Magistrate No.II,
Usilampatti, Madurai District.
- 2.The Inspector of Police,
Elumalai Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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