



Crl.O.P.(MD)Nos.419 and 464 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.02.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**Crl.O.P.(MD)Nos.419 and 464 of 2022**

**and**

**Crl.M.P.(MD)Nos.318 and 358 of 2022**

**Crl.O.P.(MD)No.419 of 2022**

1.N.Ramanathan  
2.N.Boominathan  
3.N.Arumugam  
4.Sornalingam  
5.Subramanian

... Petitioners/A1 to A5

**Vs.**

1.The Inspector of Police,  
Devakottai Town Police Station,  
Devakottai, Sivagangai District.  
(Crime No.467 of 2021)

... 1<sup>st</sup> Respondent/Complainant

2.Sathaiyah

... 2<sup>nd</sup> Respondent/Defacto complainant

**PRAYER:-** Petition filed under Section 482 of Cr.P.C., to call for the entire records FIR in Crime No.467 of 2021 on the file of the first respondent police and quash the same against these petitioners.

**Crl.O.P.(MD)No.464 of 2022**

1.N.Boominathan  
2.N.Arumugam  
3.N.Ramanathan



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4.Sornalingam  
5.Senthil Kumar @ Kumar  
6.Nagalingam  
7.Nagaruna  
8.Veerapathiran  
9.Subramanian

... Petitioners/Accused Nos.1 to 9

Vs.

1.The Inspector of Police,  
Devakottai Town Police Station,  
Devakottai, Sivagangai District.  
(Crime No.561 of 2021)

... 1<sup>st</sup> Respondent/Complainant

2.Sathaiyah

... 2<sup>nd</sup> Respondent/Defacto complainant

**PRAYER:-** Petition filed under Section 482 of Cr.P.C., to call for the entire records FIR in Crime No.561 of 2021 on the file of the first respondent police and quash the same against these petitioners/A1 to A9.

In both petitions:

For Petitioners : Mr.R.Vignesh

For Respondents : Mr.S.Manikandan  
Government Advocate (Crl. side) for R1

Mr.V.R.Shanmuganathan for R2

### **COMMON ORDER**

These Criminal Original Petitions have been filed to quash the FIR in Crime Nos.467 and 561 of 2021 on the file of the first respondent police.



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2.The case of the petitioners is that due to civil dispute between the petitioners and the second respondent, for which, there was an altercation between them. Thereby, the second respondent filed two complaints before the first respondent police and both complaints were registered in Crime Nos.467 and 561 of 2021. Though the petitioners claimed that they also made a complaint before the first respondent, their complaint was not processed. Challenging the complaints filed by the second respondent, the present petitions are filed.

3.The learned counsel for the petitioners would submit that during the pendency of these petitions, the matter was settled amicably between the parties and they decided to workout their remedy before the competent civil court instead of approaching the respondent police. In this regard, the learned counsel for the petitioners also filed an undertaking affidavit before this Court stating that, as on date the, possession of the subject matter of the property is with M/s.Devakottai Reality Private Limited and the petitioners are entitled to claim the property from the Devakottai Reality Private Limited, for which, they have already filed a civil suit and they will not disturb the possession of the Devakottai Reality Private limited without due process of law and they will workout their remedy before the civil Court.



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4.The learned counsel for the second respondent would submit that if the petitioners are not disturbing the second respondent's peaceful possession and enjoyment of the property, he has no objection to quash the FIR in Crime Nos.467 and 561 of 2021.

5.The learned Government Advocate (Crl. side) appearing for the first respondent would submit that since the matter is compromised between the parties, this Court may quash the First Information Reports.

6.Considering the facts and circumstances of the cases, the petitioners have filed an affidavit before this Court stating that they will not interfere with the peaceful possession and enjoyment of the second respondent's property, without due process of law and the dispute is only a civil dispute, for which, there was a wordy altercation and allowing the respondent police to conduct the investigation, which is not useful to any parties. Hence, this Court is inclined to quash the First Information Reports in Crime Nos.467 and 561 of 2021 on the file of the first respondent.



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7. Accordingly, the First Information Reports in Crime Nos.467 and 561 of 2021 on the file of the first respondent are quashed and these petitions are allowed. Consequently connected miscellaneous petitions are closed.

8. However, for the benefit of the order, the second respondent is not entitled to rely on the same before the Civil Court, where the civil suit is pending and without influencing the order passed in these petitions, the trial Court is directed to decide the issue between the parties in the manner known to law.

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

**13.02.2024**

To

1. The Inspector of Police,  
Devakottai Town Police Station,  
Devakottai, Sivagangai District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.DHANDAPANI, J.**

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