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CrI.O.P.(MD)No.19852 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.19852 of 2022

and

CrI.M.P(MD).No.13642 of 2022

1.Edwinraj @ Edwin Raja Kumar

2.Buela @ Buela Santhakumari

... Petitioners

Vs.

1.State rep. By

The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

2.Santhosh Kumar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in Crime No. 461/2022, dated 08.10.2022 on the file of the first respondent police, Marthandam and quash the same.



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For petitioners	: Mr.T.Jeen Joseph
For R1	: Mr.S.Manikandan
	Government Advocate (Crl.Side)
For R2	: Mr.K.Ragatheesh Kumar

ORDER

This Criminal Original Petition has been filed to quash the Crime No.461 of 2022 pending on the file of the first respondent.

2. The learned counsel for the petitioners submitted that the petitioners are the owner of the disputed property, in which, the defacto complainant/second respondent trespassed in the property and attacked the petitioners. Therefore, the petitioners lodged a compliant against the defacto complainant/second respondent and no action was taken by the law enforcing agency. Thereafter, the petitioners sent a detailed representation to the Home Secretary and the same was forwarded to the Director General of Police. However, the law enforcing agency registered a case against the petitioners, at the instigation of the defacto complainant/second respondent. Challenging the same, the present petition has been filed.

3. The learned counsel for the respondent/second respondent submitted that the mother of the defacto complinant/second respondent is



the owner of the property, she secured the property by way of the final decree passed in O.S.No.171 of 1965, in which the petitioners trespassed into the above said property and damaged the compound wall. Therefore, the defacto complainant lodged a complainant before the respondent police and if at all the petitioners is the possession of the title, they are entitled to canvass before the respondent police, at the time of investigation instead of filing the quash petition before this Court. Accordingly, he prayed for dismissal of the petition.

4. Heard both sides and perused the materials available on record.

5. The petitioners as well as the defacto complainant/ second respondent claiming title over the property. The defacto complainant/second respondent alleged that the petitioners trespassed into the property and damaged the compound wall. However, the petitioners alleged that the defacto complainant/second respondent trespassed into the property and damaged the compound wall.

6. In view of the above, both the parties are directed to appear before the respondent police and canvass all those things by producing necessary title deeds. If the title deeds are produced, after satisfaction of



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the same, the respondent police shall complete the investigation within a period of 12 weeks from the date of receipt a copy of this order.

With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

19.03.2024

Index : Yes/No
Internet : Yes/No
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To

1. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

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