



CRL MP(MD) No.12740 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.M.P(MD)No.12740 of 2024

in

CrI.O.P.(MD)No.20604 of 2024

1 K. SANKARA NAINAR @ SANKAR

2 V. MANOKAR @ MANOGARAN

3 M. SHANMUGAVEL

4 K. KANTHAN

5 K. GOTHANDARAMAN @ KOTHANDARAMAN,

6 S. ARASU @ ARUNTHATHI RASU

7 V. MURUGESAN

8 M. SAKTHIVEL

9 R. VETTUMPERUMAL

10 R. GANESN

11 R. ATHIYAPPAN

12 T. CHELLAPPA

13 S. SUDALIMADAN



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14 V. MURUGAN

15 K. SEETHARAMAN

... Petitioners/ Petitioners

Vs

1 THE STATE OF TAMILNADU REP. BY,
THE INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT (CRIME NO. 724 OF 2010)

2 M. ANTHONY RAJ

... Respondents / Respondents

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Stay all the further proceedings in P.R.C.No. 26 of 2023 pending on the file of the Judicial Magistrate, Tiruchendur pending disposal of the above criminal original petition.

Prayer in CRL OP(MD). 20604/ 2024 :

To call for the records pertaining to the impugned charge sheet in P.R.C.No. 26 of 2023 pending on the file of the Judicial Magistrate, Tiruchendur registered u/s. 147,294(b),447,506(ii) of IPC r/w 3(1) TNPD L Act, 1992 in Crime No. 724 of 2010 dated 11.12.2010 on the file of Respondent No.1 and quash the same as illegal.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. THIRUMURUGAN.T., Advocate for the petitioner and of Mr.ATHIRUVADI KUMAR, Additional Public Prosecutor, on behalf of the Respondents, while admitting the court made the following order:-

Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal side) takes notice for the first respondent.



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2. Notice to the second respondent returnable by 17.12.2024. Private notice is also permitted.

3. The petitioners / A2,3,4,5,7,8,9,10,13,15,16,17,18,21 and 22 who are facing trial in P.R.C.No.26 of 2023, pending on the file of the Judicial Magistrate Court, Tiruchendur, for the offences under Sections 147, 447, 294(b) and 506(ii) of I.P.C. read with Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, have filed the quash application.

4. The contention of the learned counsel for the petitioners is that there is an ongoing land dispute between the petitioners and the second respondent / de-facto complainant. The petitioners had obtained a decree in their favour in O.S.No.11 of 2011, by judgment and decree dated 24.03.2017. Although the second respondent / de-facto complainant filed an appeal, no stay was granted. As of now, the petitioners continue to enjoy the property. Despite this, it has been alleged that the petitioners trespassed onto the land, abused, and threatened the second respondent / de-facto complainant and the J.C.B. operator (L.W.2). The learned counsel further submitted that for the same incident, another complaint was lodged by L.W.2 as the de-facto complainant in Crime No.724 of 2010, within half an hour of the first complaint. Interestingly, the second respondent / de-facto complainant is not listed as a witness in that case. Thus, for one occurrence, two F.I.R.s were registered, and now two



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charge sheets have been filed in P.R.C.Nos.22 of 2023 and 26 of 2023. The incident allegedly took place in 2010, and the P.R.Cs. are of the year 2023, i.e., after a span of 13 years.

5. Finding merit in the above submissions, this Court is inclined to grant an interim stay of all further proceedings pending in P.R.C.No.26 of 2023, on the file of the Judicial Magistrate Court, Tiruchendur. Accordingly, interim stay is hereby granted.

sd/-
27/11/2024

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/ 12 /2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. THE JUDICIAL MAGISTRATE COURT,
TIRUCHENDUR.

2.DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE S INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,

<https://www.mhc.tn.gov.in/judis>



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MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+1. C.C. to M/S. THIRUMURUGAN.T. Advocate SR.No.14686(I) dated 28/11/2024

ORDER
IN
Crl.M.P(MD)No.12740 of 2024
in
Crl.O.P.(MD)No.20604 of 2024
Date :27/11/2024

PSP/ VR /SAR /06.12.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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