



CRL MP(MD) No.12690 of 2024

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

Tuesday, the Twenty Sixth day of November Two Thousand and Twenty Four
PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR
CRL MP(MD) No.12690 of 2024
in
CRL OP(MD) No.20576 of 2024

1 K.SANKARA NAINAR @ SANKAR
2 V.MANOKAR @ MANOKARAN
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.GANESAN
11 R.ATHIYAPPAN
12 T.CHELLAPPA
13 S.SUDALAIMADAN
14 V.MURUGAN
15 K.SEETHARAMAN

... PETITIONERS/PETITIONERS

Vs

1 THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.723/2010.

2 A.KUMAR

... RESPONDENTS/RESPONDENTS

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 PRC No.22/2023 pending on the file of the Judicial Magistrate, Tiruchendur pending disposal of the above Crl OP.



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Prayer in CRL OP(MD). 20576/ 2024 :

To call for the records pertaining to the Impugned Charge Sheet in PRC No.22/2023 pending on the file of the Judicial Magistrate, Tiruchendur registered u/s 147, 294(b), 447, 506(ii) of India Penal Code r/w 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss Act), 1992 in Crime No.723 of 2010 dated 11.12.2010 on the file of the Respondent No.1 and quash the same as illegal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.T.THIRUMURUGAN, Advocate for the petitioners and of MR.K.SANJAI GANDHI, Government Advocate (Crl.Side) on behalf of the 1st Respondent, while admitting the Criminal Original Petition, the court made the following order:-

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

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

3. The petitioners / A2 to A5, A7 to A10, A13, A15 to A18, A21 and A22, who are facing trial in P.R.C.No.22 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 /



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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 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.22 of 2023, on the file of the Judicial Magistrate Court, Tiruchendur. Accordingly, interim stay is hereby granted.

sd/-
26/11/2024

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/12/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO



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1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

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

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-14607[I] dated 27/11/2024)

ORDER

IN

CRL MP(MD) No.12690 of 2024

in

CRL OP(MD) No.20576 of 2024

Date :26/11/2024

RS/VR/SAR-(02.12.2024) 4P 6C

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