



Crl.OP.No.8271 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8271 of 2025
and Crl.MP.No.5430 of 2025

1.Saraswathi
2.Padmavathi
3.Harish
4.Thangamani .. Petitioners

Vs.

1.The State Represented by
The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.

2.Kalaiselvi ... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS to call for the records relating to the impugned FIR in Crime No.519 of 2024 on the file of the first respondent and quash the same.

For Petitioners : Mr.N.Manokaran

For Respondents : Mr.R.Vinothraja
Government Advocate (Crl.Side)
for R1
: No appearance for R2



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ORDER

This petition has been filed to quash the FIR registered in Cr.No.519 of 2024 on the file of the first respondent.

2. Though notice was served on the second respondent and his name is also printed in the cause-list, no one appeared before this Court either in person or through counsel.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

4. The case of the prosecution is that the petitioners and their neighbour had executed a Gift Deed dated 09.01.2007 (Doc.No.28 of 2007) in the name of the President of Kullampalayam Village Panchayat in respect of 1400 sq.ft comprised in R.S.Nos.46/4 and 46/5 and other portions in different survey numbers at Kullampalayam for the purpose of formation of Panchayat Road to the extent of east-west 70 feet, north south 20 feet. The second respondent has been using the said property as an access to the main road, whereas the petitioners 1 and 2 being the owners of land lying



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on the south of the disputed portion came along with the petitioners 3 and 4 and made an attempt to destroy the disputed passage on 06.09.2024 at 10.30p.m., and also dug the pit therein. When the same was questioned by the second respondent., the petitioners have threatened her with dire consequence. Hence, the complaint.

5. On the complaint lodged by the second respondent, the first respondent police has registered the FIR against the petitioners in Cr.No.519 of 2024 for the alleged offence punishable under Sections 191(2), 351(2), 324(4) of BNS, 2023 and Section 3(2) of the PPDL Act, 1984.

6. It is seen that all the allegations are civil in nature and in this regard, already a suit is also filed in O.S.No.232 of 2022 as against the District Collector for declaring the said suit property belongs to the petitioner and it is pending on the file of the District Munsif Court, Gopichettipalayam. While being so, on 06.09.2024, the second respondent obstructed the petitioner from digging the pit for planting a sapling. Therefore, no offence is made out as against the accused persons as alleged the second respondent.



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7. In view of the above discussion, the complaint itself is nothing but clear abuse of process of law and the entire allegations cannot be sustained as against the petitioners and liable to be quashed.

8. Accordingly, the FIR registered in Crime No.519 of 2024 on the file of the first respondent police is hereby quashed and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

22.04.2025

Vv

To

1. The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.
2. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.



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