



Crl.O.P.No.11407 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2025

CORAM:

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

Crl.O.P.No.11407 of 2025
and
Crl.M.P.No.7565 of 2025

1. M.Thairiyanathan

2. T.Vaishali

... Petitioners

Vs.

1. The Inspector of Police,
T9-Pattabiram Police Station,
Pattabiram, Chennai - 600 072.
(Crime No.703/2022)

2. K.Tamilselvi

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records relating to the FIR in Crime No.703 of 2022 on the file of the first respondent and quash the same.

For Petitioners : Mr.A.Prakash

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side) (for R1)



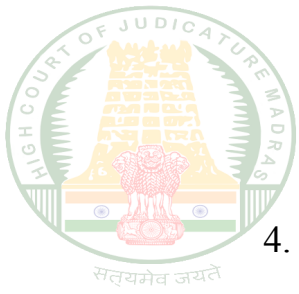
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ORDER

WEB COPY This petition has been filed to quash the F.I.R. in Crime No. 703 of 2022 registered by the first respondent police for offences under Sections 188, 447, 448 and 294(b) of IPC, as against the petitioners.

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

3. The case of the prosecution is that on the complaint lodged by the first respondent, the First Information Report in Crime No.703 of 2022 was registered by the first respondent police for offences under Sections 188, 447, 448, and 294(b) of IPC, against the petitioners, alleging that as directed by this Court, the Revenue Officials surveyed the land belonging to the park and also removed the encroachments on 21.07.2022. Thereafter, on 25.07.2022, the said land was fenced by the Revenue Officials. Thereafter, at this juncture, the petitioners acted against the Revenue Officials and attempted once again to encroach on the subject property.



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4. The learned counsel for the petitioners would submit that the petitioners obtained a decree in respect of the property comprised in S.No.104/1A1A. Whereas this Court directed the Revenue Officials to remove the encroachment from the land comprised in S.No.108/2B, situated at Rajiv Nagar, Nemilicheri, Avadi, Chennai, which is meant for a park. Further, the First Information Report is pending from the year 2022 without further progress.

5. In view of the above, no offence is made out against the petitioners, and the First Information Report cannot be sustained and is liable to be quashed. Accordingly, the impugned First Information Report in Crime No.703 of 2022 is hereby quashed.

6. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

17.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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WEB COPY

To

1. The Inspector of Police,
T9-Pattabiram Police Station,
Pattabiram, Chennai - 600 072.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY



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G.K.ILANTHIRAIYAN, J.

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