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CrI.O.P.No.17926 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.17926 of 2025

Venugopal

... Petitioner

Vs.

1. The State. Rep. by
Station House Officer
Bahour Police Station
Pondicherry
(Crime No.80 of 2018)

2. G.Sankar
Assistant Engineer Irrigation Sub Division-IV
PWD, Bahour Puducherry

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the entire records connected with C.C.No.1422 of 2019 on the file of the VII Judicial Magistrate, Pondicherry in First Information Report No.80 of 2018 pending on the file of respondent police and quash the same.



WEB COPY



Cr.O.P.No.17926 of 2025

For Petitioner : Mr.C.B.Murali Krishnan
For 1st Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)
Assisted by
Mrs.N.Danalatchumy
Advocate

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the case in C.C.No.1422 of 2019 on the file of the VII Judicial Magistrate, Pondicherry in connection with F.I.R. No.80 of 2018 on the file of the first respondent police.

2. The case of the petitioner is that based on the complaint given by the second respondent, the first respondent police registered a case in Crime No.80 of 2018 against the petitioner for the offence under Sections 447 IPC and 3 of PDPP Act 1984, alleging that the petitioner trespassed in to the Keezhparikkalpet irrigation tank which is a Government property belongs to Irrigation Sub-Division PWD, Bahour, Puducherry and damaged the irrigation

2/7



CrI.O.P.No.17926 of 2025

bund by engaging earth moving machinery "JCB" and caused damages to the tune of Rs.1,75,000/- with intention to occupy the public property. After completion of investigation, the respondent police filed the charge sheet for the offences under Sections 447 IPC and 3 of PDPP Act 1984 read with 34 IPC and the same was taken on file in C.C.No.1422 of 2019 by the learned VII Judicial Magistrate, Pondicherry. Pending trial, the petitioner has filed the present petition to quash the said case in C.C.No.1422 of 2019.

3. The learned counsel for the petitioner submitted that the said land belongs to the petitioner. Earlier also, the defacto complainant foisted a case as if the petitioner and other person prevented him from discharging his duties and after elaborate trial, the Court discharged the petitioner and dismissed the case. The petitioner also filed writ petition and all the proceedings shows that the said property belongs to the petitioner. The police has foisted a false case against the petitioner based on the complaint given by the defacto complainant. Even one of the witnesses has spoken that the property belongs to the



CrI.O.P.No.17926 of 2025

petitioner and he has not committed any offence as alleged by the prosecution.

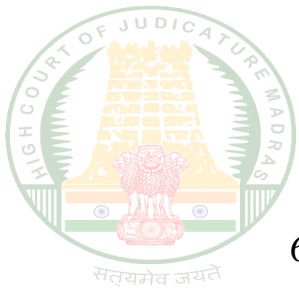
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No witnesses have spoken about the involvement of the petitioner.

Furthermore, the dispute between the petitioner and the defacto complainant is civil in nature and unfortunately, the respondent police completed the investigation and laid charge sheet. Hence, facing trial is nothing but a futile exercise. Therefore, the case in C.C.No.1422 of 2019 is liable to be quashed.

4. The learned Public Prosecutor (Puducherry) submitted that the property in dispute, belongs to Government. The petitioner with the help of a Tahsildar, cut down the irrigation bund to the length of 150m and thereby caused damages to the tank bund. There are prima facie materials against the petitioner and it is not a fit case for quashing the case in C.C.No.1422 of 2019.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor (Puducherry) appearing for the first respondent and perused the materials available on record.



CrI.O.P.No.17926 of 2025

6. Since no adverse order is being passed against the second respondent,

notice to the second respondent is dispensed with.

7. A reading of the complaint, charge sheet and also the statements of the witnesses and the documents of the prosecution shows that there are prima facie materials to proceed the case further as against the petitioner. The grounds taken by the petitioner are nothing but defence, which can be agitated only during trial and this Court does not find any abuse of process of law.

8. Therefore, this Criminal Original Petition is dismissed at the admission stage itself.

9. However, the petitioner is at liberty to take all his defence before the trial Court during trial.

23.06.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



CrI.O.P.No.17926 of 2025

To

1. The VII Judicial Magistrate,
Pondicherry

2. The Station House Officer
Bahour Police Station
Pondicherry

3. The Public Prosecutor (Puducherry)
High Court of Madras



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CrI.O.P.No.17926 of 2025

P.VELMURUGAN,J.

Ksa-2

CrI.O.P.No.17926 of 2025

23.06.2025