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CRL OP No. 15280 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 15280 of 2024

1. R.Jaisuresh

2.R. Venkateswaran @ Prabhu

3.R.Mahesh

Petitioner(s)

Vs

1 The Deputy Superintendent Of Police,
Neyveli Sub-division, Kurinjipadi Taluk,
Cuddalore District.

2.The Sub-Inspector Of Police,
Kurinjipadi Police Station,
Cuddalore District. Cr.No.119/2024.

3.SIVAKUMAR

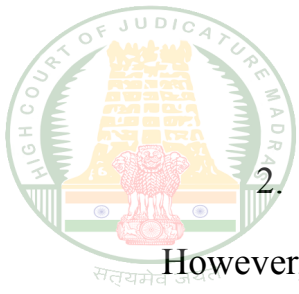
Respondent(s)

For Petitioner(s): M/s.S.Senthil

For Respondent(s): Mr.K.M.D.Muhilan,
Government Advocate (Criminal Side)
For R1 & R2

ORDER

This matter has been listed today under the caption “for being mentioned”
at the instance of the learned counsel for the petitioners.



2. This Court, vide order dated 05.03.2025, allowed this petition.

However, in paragraph 4 of the order copy, certain errors have inadvertently occurred with respect to the Crime Number and Survey Numbers. Therefore, the Registry is directed to modify paragraph 4 of the order as follows :-

“4. On perusal of the entire FIR, there is no whisper about any allegation to attract any of the offences as registered in the FIR in Crime No. 119 of 2024. The entire complaint has narrated about the facts of the case from the date of the allotment of the subject land. Subsequently, the petitioners had preferred an appeal as against the issuance of patta in favour of the 3rd respondent before the District Revenue Officer and it is pending for adjudication. Apart from the appeal filed by the petitioners as against the issuance of Patta, three other persons had also filed petition before the Revenue Department seeking reallocation of the land comprised in New Survey No. 371/2 instead of Survey Nos. 371/1F2, 371/1F3 and 371/1F4 and it is also pending. If the reallocation is made by allocating the above land to the said three persons in Survey No. 371/2, the petitioners are ready to handover the possession of the said land to them and to take back their lands comprised in Survey Nos. 371/1F2, 371/1F3 and 371/1F4. Therefore, the 3rd respondent is no way connected to the subject land which is under dispute. Hence, the petitioners had filed a



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petition for cancellation of Patta issued in favour of the father of the third respondent herein in Patta No. 865. That apart, during the pendency of the appeal, for cancellation of Patta, the 3rd respondent trespassed into the land comprised in Survey No.371/3, wrongly assumed that the said land comprised in Survey No.371/2 and attempted to cultivate the same. Therefore, already the 1st petitioner had lodged a complaint against the 3rd respondent before the 2nd respondent in Crime No. 329 of 2022 which was registered for the offences punishable under Sections 447 and 427 of IPC and the investigation is pending. As far as this case is concerned, no offences are made out as against the petitioners to continue the investigation for the FIR in Crime No.119 of 2024. Hence, the impugned FIR cannot be sustainable and it is liable to be quashed.”

01-07-2025

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Note : Registry is directed to carry out the necessary correction and issue fresh copy of the order.

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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CRL OP No. 15280 of 2024



G.K.ILANTHIRAIYAN J.

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To

1 The Deputy Superintendent Of Police,
Neyveli Sub-division, Kurinjiyadi Taluk,
Cuddalore District.

2.The Sub-Inspector Of Police,
Kurinjiyadi Police Station,
Cuddalore District. Cr.No.119/2024.

CRL OP No. 15280 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2025

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CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No. 15280 of 2024

and

Crl.M.P.No. 9353 of 2024

1.R. Jaisuresh

2.R.Venkateswaran @ Prabhu

3.R.Mahesh

...Petitioners

Versus

1.The Deputy Superintendent of Police

Neyveli Sub Division,

Kurinjipadi Taluk

Cuddalore District.

2.The Sub-Inspector of Police

Kurinjipadi Police Station

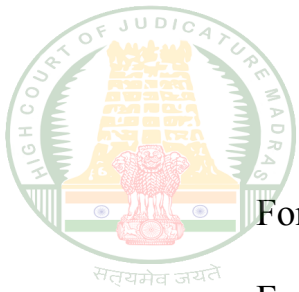
Cuddalore District.

[Crime No. 119 of 2024]

3.Sivakumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure, prays to call for the records FIR in Crime No. 119 of 2024 on the file of the first respondent and quash the same.



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For Petitioners : Mr.M.Mohamed Riyaz

For RR1&2 : Mr.K.M.D.Muhilan,
Government Advocate [Criminal Side]

For R3 : Mr.K.J. Shiva Arudhra

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No. 119 of 2024 on the file of the first respondent.

2. The case of the prosecution is that the 3rd respondent lodged a complaint under Section 156 of the Code of Criminal Procedure before the Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989, Cuddalore, and the same was ordered by order dated 26.10.2023 in CrI.M.P.No. 1621 of 2023 directing the 1st respondent to register an FIR and for investigation and file a report as per the direction of the first respondent, the second respondent registered an FIR in Crime No. 119 of 2024 for the offences punishable under Sections 426, 427 & 447 of IPC and 3(1)(1), 3(1)(g), 3(1)(p) & 3(1)(q) of the SC/ST [Prevention of Atrocities] Act, 1989 against the petitioners herein.

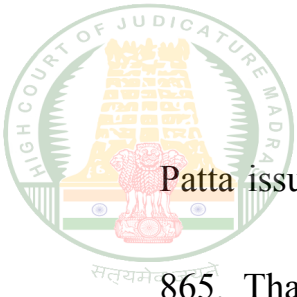


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3. Heard both sides and perused the materials available on record.

4. On perusal of the entire FIR, there is no whisper about any allegation to attract any of the offences as registered in the FIR in Crime No. 119 of 2024.

The entire complaint has narrated about the facts of the case from the date of the allotment of the subject land. Subsequently, the petitioners had preferred an appeal as against the issuance of patta in favour of the 3rd respondent before the District Revenue Officer and it is pending for adjudication. Apart from the appeal filed by the petitioners as against the issuance of Patta, three other persons had also filed petition before the Revenue Department seeking reallocation of the land comprised in New Survey No. 371/2 instead of Survey Nos. 371/F2, 371/F3 and 371/F4 and it is also pending. If the reallocation is made by allocating the above land to the said three persons in Survey No. 371/2, the petitioners are ready to handover the possession of the said land to them and to take back their lands comprised in Survey Nos. 371/F2, 371/F3 and 371/F4. Therefore, the 3rd respondent is no way connected to the subject land which is under dispute. Hence, the petitioners had filed a petition for cancellation of



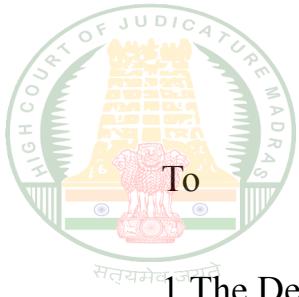
Patta issued in favour of the father of the third respondent herein in Patta No.

865. That apart, during the pendency of the appeal, for cancellation of Patta, the 3rd respondent trespassed into the land comprised in Survey No.371/F3, wrongly assumed that the said land comprised in Survey No.371/2 and attempted to cultivate the same. Therefore, already the 1st petitioner had lodged a complaint before the 3rd respondent and the same got registered in Crime No. 329 of 2022 for the offences punishable under Sections 426, 427 and 447 of IPC and it is pending before the 2nd respondent in Crime No. 329 of 2022 on the file of the 2nd respondent for investigation. Therefore, no offences are made out as against the petitioners to continue the investigation for the FIR in Crime No.329 of 2022. Hence, the impugned FIR cannot be sustainable and it is liable to be quashed.

5. In view of the above discussion, this Criminal Original Petition is allowed by quashing the impugned FIR in Crime No. 119 of 2024 on the file of the first respondent. Consequently, the connected Miscellaneous Petition is closed.

05-03-2025

MSM



CRL OP No. 15280 of 2024



To

1. The Deputy Superintendent of Police
Neyveli Sub Division,
Kurinjipadi Taluk
Cuddalore District.

2. The Sub-Inspector of Police
Kurinjipadi Police Station
Cuddalore District.
[Crime No. 119 of 2024]

3. The Public Prosecutor,
High Court, Madras.



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G.K. ILANTHIRAIYAN, J

MSM

Crl.O.P.No. 15280 of 2024

05.03.2025