



Crl O.P.No.17666 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

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

Crl.OP.No.17666 of 2023

and

Crl.M.P.No.11606 of 2023

Vijaya

... Petitioner/ A3

-Vs-

1. State represented by
The Inspector of Police,
Elachipalayam Police Station,
Namakkal District. ..1st respondent/Complainant
2. M.K.Neethipathy ..2nd respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the CrPC, to call for the records relating to the FIR in Crime No.87 of 2023 on the file of the Inspector of Police, Elachipalayam Police Station, Namakkal District in respect of the petitioner is concerned and to quash the same.

For Petitioner	:	Mr.C Prabakaran
For R1	:	Mr. A Gopinath Government Advocate (Crl.Side)
For R2	:	Mr.A.Mohammed Ismail

ORDER



Crl O.P.No.17666 of 2023

WEB COPY This Criminal Original Petition is filed to quash the FIR in Crime No.87 of 2023 on the file of the Inspector of Police, Elachipalayam Police Station, Namakkal District, based on the complaint a case was registered for the alleged offences punishable under Sections 143, 427 and 447 of the IPC.

2. On 27.05.2023, the petitioner along with the others, came in a car and damaged the hut put up by the second respondent and ran away. In fact, 5 years ago, the petitioner along with the other accused attempted to damage the second respondent's hut wherein they undertook not to interfere in such activities but committed the aforesaid offences.

3. The learned counsel for the petitioner submitted that though the petitioner and the second respondent are close relatives, the second respondent has put up a similar hut in the pathway. That apart, the petitioner was not present in the place of occurrence and further alleged that the incident took place on 27.05.2023 whereas a complaint was registered only on 31.05.2023.



Crl O.P.No.17666 of 2023

WEB COPY

4. The learned Government Advocate (Crl.Side) on instructions submitted that the land in dispute was classified under porambokku land and the same is being vacant.

5. The petitioner's husband is a Doctor by profession and the petitioner is a PG Assistant teacher in a Government School and the said land was owned by the petitioner's husband's grand parents and subsequently, he became the owner of the property. Admittedly, the said land is classified as porambokku land and the remaining as Natham Sandhu. Now, the entire encroachment has been removed by the general public. There is no question of ownership of the sold property by the second respondent and the offences under Sections 427 and 447 of the IPC is not attracted.

6. In view of the aforesaid facts, the FIR is liable to be quashed in Crime No.87 of 2023 and accordingly, the same is quashed.

G.K.ILANTHIRAIYAN, J.



Crl O.P.No.17666 of 2023

Vca

WEB COPY 7. Accordingly, the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

24.02.2025

vca

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

To

1. The Inspector of Police,
Elachipalayam Police Station,
Namakkal District.

Crl.O.P.No.17666 of 2023

and

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