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Crl.OP.No.19317 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.04.2025

CORAM:

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

Crl.O.P.No.19317 of 2023

and

Crl.MP.No.12983 of 2023

A.Balaji

... Petitioner

Vs.

1. The State of Tamilnadu

Represented by the Inspector of Police,
CentralCrime Branch (ALGSC)
Salem City.

2. Dr.D.Sudharsan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in respect of the complaint in Cr.No.14 of 2023 on the file of the first respondent herein, quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.V.Rajesh

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1
: Mr.N.Vijaya Baskar for R2



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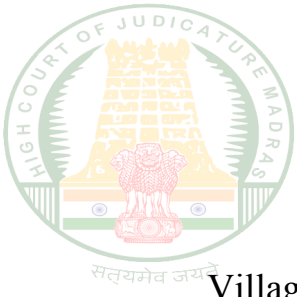
ORDER

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2. On the complaint lodged by the second respondent, the first respondent has registered an FIR against the petitioners in Cr.No.14 of 2023 for the offences punishable under Sections 447, 341 and 420 of IPC, 1860.

3. It is alleged that the petitioner had attempted to grab the property which exclusively belongs to the second respondent by encroaching the same. He owned the property to an extent of 592 sq.feet comprised S.No.146/3 which was allotted in favour of his father, after his demise, with the devolved account. While being so, the petitioner had attempted to encroach the said land.

4. A perusal of records and the submissions made by the petitioner revealed that the property comprised in old S.No.146/3 New S.No.146/3A2 situated at Door No.4/268, Jagir Ammapalayam



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Village, Salem Taluk to an extent of 2000 sq.ft owned by the petitioner's mother. While she has executed a settlement deed in favour of the petitioner in respect of the subject property.

5. The second respondent is a neighbour to the petitioner's property and in between both the parties, there is cart track measuring to an extent of 10feet. It is a common path way. While being so, the petitioner was prevented from using the cart track by the second respondent. The second respondent's father prevented the petitioner from using the cart track. Therefore, the petitioner is constrained to file a suit as against the second respondent's father in O.S.No.176 of 2014 on the file of the IV Additional District Munsif Court, Salem for declaration to declare the rights over the cart track and also for permanent injunction restraining the second respondent's father from interfering with his use of the cart track.

6. While pending of the suit, the father of the second



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respondent died and therefore all the legal heirs including the second respondent herein was impleaded as the third defendant in the said suit and it is pending. While pending this suit, the second respondent along with other legal heirs also filed another suit in O.S.No.526 of 2021 on the file of the Sub Court, Salem for the relief of declaration of title and also for a mandatory injunction to remove the obstacles made in the suit property.

7. While pending both the suits, the second respondent has lodged a complaint alleging that the petitioner is trying to grab the second respondent's land.

8. The learned counsel appearing for the second respondent submits that the petitioner had put up a Iron gate and obstructing the second respondent for using the cart track. This issue was already ceased by the Civil Court in both the suits. Further the title of cart track is also now under dispute and pending before the Civil Court. Therefore, there is no question for trespassing and obstructing the



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cart track by the petitioner.

9. In view of the above, the entire allegations did not constitute any offence under Sections 447, 341 and 420 of IPC, 1860, thereby the FIR cannot be sustained and liable to quashed. Accordingly, the FIR registered in Crime No.14 of 2023 on the file of the first respondent police is hereby quashed.

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

08.042025

Vv

To

1. The Inspector of Police,
Pudupattinam Police Station,
Sirkazhi Taluk,
Mayiladuthurai District.
2. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.

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Vv

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