



CrI.O.P.(MD)No.2386 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD)No.2386 of 2024
and
CrI.M.P.(MD)No.1845 of 2024

1. Selvam @ Thaedivantha Selvam
2. Nallathambi
3. Vivek

... Petitioners

versus

1. State through
The Inspector of Police,
Melavalavu Police Station,
Madurai District.

2. Rajaprabhu

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned First Information Report in Crime No.4 of 2023 dated 05.01.2023 on the file of the 1st respondent Police and to quash the same as illegal.

For Petitioners : Mr.A.Rajaram



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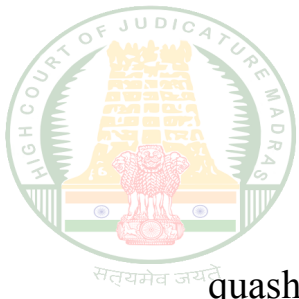
For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

For R2 : Mr.C.Sasikumar

ORDER

The petitioners are accused Nos.1 to 3 in Crime No.4 of 2023 on the file of the Inspector of Police, Melavalavu Police Station, Madurai District. They moved this petition to quash the proceedings pending against them in Crime No.4 of 2023 \.

2. The case of the prosecution is that on 05.01.2023, the petitioners along with 100 others entered into the land in Survey Nos. 378/1 and 378/2A at Kidaripatti Village, Melur Taluk, Madurai District and intimidated the second respondent/defacto complainant and also caused damage to the JCB vehicle, which was engaged by the second respondent. On the complaint of the second respondent, the case in Crime No.4 of 2023 was registered on the file of the Melavalavu Police Station on 05.01.2023 for the offence under Sections 147, 447, 427 and 506(1) IPC. Therefore, the petitioners have moved this petition to



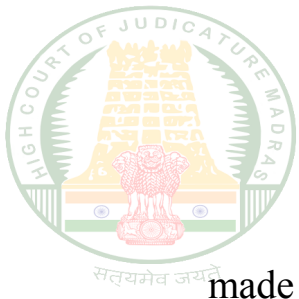
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quash the proceedings pending against them in Crime No.4 of 2023.

3. The grievance of the petitioners is that apart from the case in Crime No.4 of 2023, two other cases have also been registered as against the 2nd petitioner, namely, Nallathambi, in Crime No.19 of 2023 and Crime No.79 of 2023 on the file of the respondent Police. Therefore, the 2nd petitioner moved this petition along with two other petitions in Crl.O.P.(MD)Nos.2390 and 2395 of 2024 to quash the proceedings in Crime Nos.19 and 79 of 2023 respectively.

4. When these three petitions were taken up for hearing on 18.03.2024, a representation was made on behalf of the first respondent Police that in Crl.O.P.(MD)No.2395 of 2024, the final report in Cr.No. 79 of 2023 was filed before the Judicial Magistrate Court, Melur and in Crl.O.P.(MD)No.2390 of 2024, the case in Cr.No.19 of 2023 was closed as mistake of fact. Recording the said submission, this Court on 18.03.2024 ordered notice to the second respondent in the present petition. Thereafter, the present petition was listed for hearing on 25.06.2025. At that time, the learned counsel for the petitioners has



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made a specific allegation as against the respondent Police that they have interfered in a civil dispute between the petitioners and the 2nd respondent and harassing the petitioners by registering criminal cases. Though a police officer in the rank of Inspector of Police was present before this Court on 25.06.2025 to assist the learned Government Advocate(Crl. Side), the learned Government Advocate (Crl. Side) was not in a position to explain the nature of damages caused to the JCB vehicle. Therefore, this Court, by its earlier order dated 25.06.2025, directed the Deputy Superintendent of Police, Melur, to file a report as to the stage of the case in Crime No.4 of 2023.

5. Pursuant to the direction of this Court, the Deputy Superintendent of Police, Melur Sub Division, has filed a report before this Court that on 05.01.2023, the second respondent was engaged in cleaning the land in Survey No.378/1 and 378/2A situated at Kidaripatti Village. At that time, the accused persons and 100 others trespassed into the second respondent's property and tried to assault him and threatened him with dire consequence. Further, the accused persons also caused damage to the JCB vehicle engaged by the second



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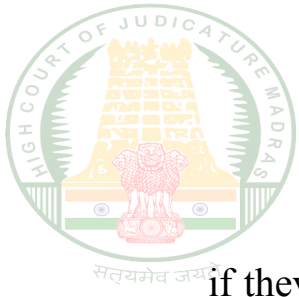
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respondent. Therefore, the case in Crime No.4 of 2023 has been registered. During the investigation, they have examined 11 witnesses and after the completion of the investigation, they filed the final report in Crime No.4 of 2023 before the learned Judicial Magistrate, Melur, through e-filing on 30.06.2025

6. The learned counsel for the petitioners submits that there is a civil dispute pending between the petitioners and the second respondent in S.A.(MD)No.1245 of 2011.

7. Though the petitioners claim that they have preferred a second appeal in S.A.(MD)No.1245 of 2011 as against the Judgment of the First Appeal and also obtained an order of status quo, there was no pleading to that effect in the affidavit and no order copy has been placed before this Court.

8. Since it is reported that the final report has been filed before the learned Judicial Magistrate, Melur, this Criminal Original Petition is dismissed with liberty to the petitioners to challenge the final report,



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if they are having any ground. Consequently, connected miscellaneous petition is closed.

01.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
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To

1. The Inspector of Police,
Melavalavu Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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