



CRL OP(MD) NO. 14032 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-09-2025

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL OP(MD) NO. 14032 of 2023

AND

CRL MP(MD) NOs. 10987 and 10986 OF 2023

1. GOVINDARAJU

2. SURESH

3. SANTHOSH

Petitioner(s)

Vs

1. The State Represented by,
The Inspector of Police,
Gandharvakottai Police Station,
Pudukkottai District.
Crime No.259/2016.

2. Janakiraman

Respondent(s)

For Petitioner(s): Mr.B.Jameel Arasu

For Respondent(s): Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl.side) for R1
Mr.K.C.Maniyarasu for R2

Prayer:

C-51.Q To call for the records pertaining to the charge sheet in P.R.C No.21/2018 on the file of the learned Judicial Magistrate No.1, Pudukkottai and quash the same petitioners are concerned.



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ORDER

The present petition is filed to quash the charge sheet in P.R.C No.21/2018 on the file of the learned Judicial Magistrate No.1, Pudukkottai in Crime No.145 of 2016 for the alleged offences under sections 379 and 506(ii) of IPC read with 3(1) of TNPPDL Act.

2. The petitioners are arrayed as Accused Nos.1 to 4. The complaint was preferred stating that the petitioners destroyed the sugarcane in the land in Survey No.112/4 and also took away two tractors and intimidated the defacto complainant.

3. It is an admitted fact that the petitioners and the defacto complainant are brothers. Initially, when the complaint was given the same was closed after enquiry as mistake of fact. Thereafter, based on the protest petition, FIR was registered in Crime No.145 of 2016, thereafter charge sheet was filed in P.R.C No.21 of 2018.

4. As far as the 1st accused is concerned, the charge sheet was quashed vide order, dated 11.04.2022 in CRL OP(MD)No.3259 of 2019.

5. Admittedly, it is a dispute between the relatives and there is a suit for partition pending in O.S.No.71 of 2020 on the file of the Sub Court, Pudukkottai and O.S.No.186 of 2018 on the file of the Sub Court, Pudukkottai seeking declaration and permanent injunction. Both the suits were taken and common trial is being



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conducted. In fact, the defacto complainant and the petitioners herein are also parties in the said suits. When the suit is filed for partition then the parties would become co-owners for the land, machinery and crops. Hence there is no question of theft, hence the section 379 is not applicable. When it is a clear civil case, then it cannot be given a criminal color. Therefore, this Court is inclined to quash the impugned charge sheet and accordingly quashed.

6. However, if there is any damage to the sugarcane and compensation is claimed or any ground raised in the present quash petition, the said grounds may be raised by the parties in the pending suit for compensation or other reliefs. If the said issue is raised in the Civil Court, the Civil Court shall consider the same as per law.

7. With the above said observations, the criminal original petition is allowed and charge sheet in P.R.C No.21/2018 on the file of the learned Judicial Magistrate No.1, Pudukkottai is hereby quashed. Consequently, connected miscellaneous petitions are closed.

23-09-2025

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To

1. The Inspector of Police
Gandharvakottai Police Station
Pudukkottai District.

2. Judicial Magistrate No.1,
Pudukkottai

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.