



Crl.O.P(MD).No.16150 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

Crl.O.P(MD).No.16150 of 2023 and

Crl.M.P(MD).No.12855 of 2023

1.Sundara raj

2.Sathya

3.S.Ragavendran

4.S.Ukkrapandian

5.S.Sugumar

:Petitioners

..VS..

1. State rep. by

The Inspector of Police,

Nagamalai Pudukkottai Police Station,

Madurai District.

(Crime No.80 of 2023)

2.Sangudevi

: Respondents



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to C.C.No.1268 of 2023 on the file of the learned Judicial Magistrate No.VI, Madurai and quash the same in respect of the petitioners.

For Petitioner : Mr. S. Prasanna Rajadurai
For Respondent No.1 : Mr.A.S. Abul Kalaam Azad
Government Advocate (Crl. Side)
For respondent No.2 : Mr. R. Karuppaiah

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the case in C.C.No.1268 of 2023 on the file of the learned Judicial Magistrate No.VI, Madurai and quash the same in respect of the petitioners is concerned.

2. The case of the prosecution is that due to civil dispute on 12.03.2023 at about 1.00 pm the accused persons said to have trespassed into the house of the defacto complainant and damaged the barbwire and abused him with filthy language and also attacked him with hands and also threatened with dire consequences. Hence, the 2nd respondent / defacto complainant lodged a complaint in Crime No.80 of 2023 for the offences



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under Sections 447, 147, 294(b), 323 and 427 IPC read with Section 4 of TN prohibition of Harassment of Women Act, 2002 and thereafter, the same was taken on file in C.C.No.1268 of 2023 on the file of the learned Judicial Magistrate No.VI, Madurai.

3. The learned counsel for the intervenor vehemently opposed to allow the quash petition stating that the petitioners caused injury to the defacto complainant and also criminally intimidated him and hence, prays for dismissal of this petition.

4. The contention of the petitioner is that already there was a land dispute between the petitioners and the defacto complainant and the petitioners have approached this Court by way of W.P(MD).No.24138 of 2023 for surveying the property and the same was disposed of on 05.10.2023 with a direction to the Tahsildar to survey the property and mark the boundaries of both the defacto complainant's property and the petitioners property. The Tahsildar has specifically stated that the defacto complainant has no set back area, but the petitioners have left set back area. When the defacto complainant encroached the property belonging to



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the petitioners, there was a wordy altercations with pushing and pulling between the parties. The petitioners have not committed any such crime as alleged in the FIR and charge sheet.

5. The contention of the petitioner is that section 147 cannot be invoked since there is no rioting. It is seen the said section would be attracted if there rioting along with committing mischief, criminal trespass or enforcing a right by criminal force. Admittedly there was land dispute regarding letting setback space. When there is dispute regarding the setback space it cannot be stated that the land belong to either party unless it is surveyed. Hence there cannot be trespass in defacto complainant land. Therefore, the said section would not be attracted, hence the CC is liable to be quashed as far as section 147.

6. The section 294(b) is not attracted since the defacto complainant had not stated what are the words that was uttered by the accused / petitioners. The FIR only states that the petitioners utter filthy words but has not stated what are the words. Even if it is taken the same is uttered, then it is not in a public place, it is within the premises of the defacto



complainant. Therefore the said section 294(b) is not attracted.

7. The section 323 is not attracted since the FIR is silent about the alleged hurt. On bare reading of the FIR it only states that the accused assaulted the defacto complainant, but it is not stating that it caused bodily pain or causes infirmity to attract the ingredients of the section. Further there is no medical report to substantiate there caused injury. There is no evidence that there was injury, in fact there was no injury at all. There may be some push and pull between the parties, but the same would not attract the ingredients of section 323. Therefore, the said section is not attracted. For the same reasons stated supra, this Court is of the considered opinion section 4 of TN prohibition of Harassment of Women Act, 2002 is not attracted.

8. The section 427 would be attracted if there is mischief causing damage to an amount of fifty rupees. It is seen the defacto complainant had stated there is damage, but the same has not been quantified at all. Therefore the said section is not attracted.



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9. The section 447 would be attracted if there is criminal trespass. In the present case there is a dispute regarding the set back space. After registering the FIR, the 2nd petitioner had filed W.P(MD).No.24138 of 2023 for surveying the property and the same was disposed of on 05.10.2023 with a direction to the Tahsildar to survey the property and mark the boundaries of both the defacto complainant's property and the petitioners property. It is the case of the petitioners that the Tahsildar has specifically stated that the defacto complainant has no set back area, but the petitioners have left set back area and the defacto complainant encroached the property belonging to the petitioners. The section 447 is attracted if the accused enter the defacto complainant property to intimidate him who is in possession of the property. But in the present case the claim of the petitioner is that they are the owner of the space and the defacto complainant had encroached. When there is a disputed fact who is the owner of the space, the section 447 would not be attracted.

10. Therefore, this Court is of the considered opinion that the allegations are only bald. Considering the same, all the above Sections are not applicable to the facts of the present case. Hence, the charge sheet is



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liable to be quashed.

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11. Accordingly, the proceedings in C.C.No.1268 of 2023 on the file of the learned Judicial Magistrate No.VI, Madurai, is hereby quashed, and this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

27.11.2025

Index:Yes/No

Internet:Yes/No

trp

To

1. The Judicial Magistrate No.VI, Madurai
2. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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