

Crl.O.P.(MD) No.17212 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.17212 of 2024

A.Mithun Chakravarthi

... Petitioner

Vs.

1. The Inspector of Police
Palanichettipatti Police Station
Theni District

2. Seeniyammal

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records in Crime No.368 of 2024 on the file of the first respondent police and quash the same as illegal as against the petitioner.

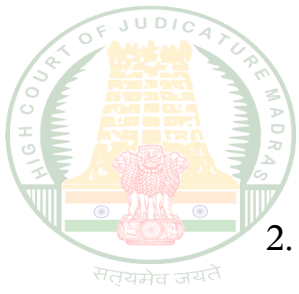
For Petitioner : Mr.R.Shanmugasundaram, Senior Counsel
for Mr.S.Sivakumar

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate (Crl. Side)

No.2 : Mr.R.J.Karthick

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.368 of 2024 on the file of the respondent police.



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2. The learned Senior Counsel appearing for the petitioner would submit that the second respondent has lodged a false complaint against the petitioner before the first respondent and they registered a case in Crime No. 368 of 2024 for the offences under Sections 294(b), 324(4), 351(2) of BNS.. The petitioner herein was arrayed as A3 in this case. The petitioner is the elected Chairmn of Palanichettipatti Selection grade Town Panchayat. Pursuant to the direction of the Director,Town Panchayat and Executive Officer taken survey about the illegal construction and unauthorised tap connection in the Palanichettipatti Town panchayat and found 24 persons illegally drawing water from Town Panchayat through unauthorised tap connection. Out of 24, the second respondent/ defacto complainant is one among the person who not even assessed the property tax nor obtained any authorized tap conection. Hence the Executive Officer issued notice to all the 24 persons on 22.07.2024 and the persons who got unauthorized connection have to submit their reply. On 16.09.2024 once again the Town Panchayat officials sent a notice to the second respondent for disconnection of water supply and the same was resisted by the second respondent and they prevented the officials from discharging their duties. Hence the officials made complaint to the respondent police and they have issued CSR No. 827 dated 18.09.2024, but no action was taken.



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once again the officials sent notice for disconnection and unauthorized water tap connections, no reply was sent and hence the town panchayat officials disconnected the tap connection in the presence of the police officials on 18.09.2024. While so, the second respondent lodged a complaint against the petitioner as if he instigated the process of disconnection due to personal enmity. As per the First Information Report on the instigation of petitioner, A1 and A2 disconnected the water tap connection given to the house of the second respondent and they disconnected the water tap connection by following due process of law. The first respondent has no jurisdiction to interfere with the administration of the Town Panchayat and the respondent police failed to consider the provisions under Section 155 of the Local Bodies Act, 1988 and Rule 360 of Urban Local Body Rule. 2023 since the property is vested with town panchayat and if any damage is caused to the pipeline the town panchayat is the ultimate loser. There is a delay in lodging complaint. There are no ingredients to constitute the offence under Sections 296(b), 324(4) and 351(2) of BNS, hence the First Information Report is liable to be quashed.



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4. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No. 368 of 2024 for the offences under Sections 296(b), 324(4) and 351(2) of BNS and the first respondent is also conducting investigation and hence at this stage the petition is liable to be dismissed.

5. The learned counsel appearing for the second respondent would submit that due to political motive wantonly disconnected water tap connection through A1 and A2. There is dispute between the parties in respect of partition over the properties. Therefore based on the same by misusing powers issued notice for disconnection of water tap connection, thereby on its using his powers with the staff of panchayat without any prior intimation they disconnected the water tap connection, and when the same was questioned they used obscene words and therefore lodged complaint and based on the same, the first respondent registered the case and the same is pending investigation and hence at this stage the petition is liable to be dismissed.

6. Heard both sides and perused the materials available on record.



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7. Based on the complaint lodged by the second respondent the first respondent registered the case in Crime No. 368 of 2024 as against the petitioner and others and the petitioner herein has been arrayed as A3. This Court perused the entire records including the First Information Report and as per the First Information Report the petitioner was not present in the scene of occurrence and the panchayat staff have disconnected the water tap connection and when the second respondent questioned the same at that time A1 and A2 used obscene words and told that at the instructions of the petitioner they have disconnected the water tap connection. All the allegations levelled are against A1 and A2 and no any specific allegations against this petitioner/third accused except the fact that at the instigation of this petitioner they disconnected water tap connection. It is not disputed that already the panchayat has issued notice to the defacto complainant for unauthorized water tap connections and the same was also replied, and again another notice was sent to the defacto complainant therefore the panchayat had disconnected the water tap connection. Therefore no any offence is made out as against this petitioner even as per the First Information Report. Only adding the words that at the instigation of this petitioner the water tape connection was disconnected does not constitute any offence. Thereby the pending First Information Report is



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abuse of process of law and thereby the pending proceedings are liable to be quashed.

8. In the result, the Criminal Original Petition stands allowed and the First Information Report in Crime No. 368 of 2024 on the file of the first respondent is hereby is quashed. Consequently connected miscellaneous petition stands closed.

21.04.2025

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

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



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P.DHANABAL, J.

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