



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 2889 of 2023

and

Crl.M.P.Nos.1699 & 1700 of 2023

1. Meenakshi

W/o.Chellappan, Mamarthupatty, Mohanur,
Namakkal District

2.Chellappan

S/o.Ramasamy, Mamarthupatty, Mohanur,
Namakkal District

Petitioner(s)

Vs

1. The Deputy Superintendent Of Police
Kariyakoil, Salem District

2.State Rep By

Kariyakoil Police Station, Salem District
Cr No.9/2017

3.Balakrishnan

S/o.Andi, Senkattuputhur Village,
Kovilputhur Post, Periyakalvarayanmalai,
Palayam Taluk, Salem District

Respondent(s)

PRAYER

To call for the records and quash the final report in Spl.SC.No. 20/2019
on the file of the Principal District and Sessions Court, Salem.



WEB COPY



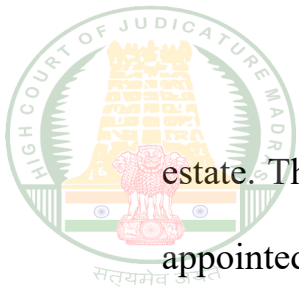
For Petitioner(s): M/s. Inian
For M/s.T.Sai Krishnan

For Respondent(s): M/s.R. Rajasekaran
Government Advocate (crl. Side) For RR 1 & 2
Ms.Deekshitha Dinesh
Legal Aid Counsel For R3
Vide Order Dated 01.06.2026

ORDER

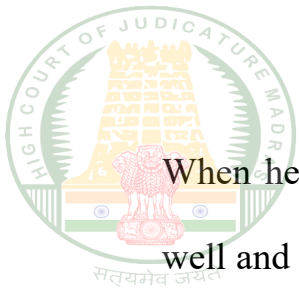
The petitioners / A3 & A4 in Spl.SC.No.20 of 2019, facing trial for the offences punishable under Sections 294(b), 427, 506(2), 379 of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989, on the file of the Principal District and Sessions Court, Salem, have filed this quash petition.

2.The case of the prosecution is that the defacto complainant Balakrishnan belongs to Hindu Malayalam community and he is doing agriculture in two acres of Government poramboke land in Sengattuputhur Village, for which he pays tax and also having a well of 30 feet depth. One Madhivanan and Meenakshi (A3) owns Kovilputhur estate for the past five years, which is adjacent to the defacto complainant's agricultural land. For the past two years, A3 and Madhivanan have some problem in managing the estate. Hence, Madhivanan asked to return of money which he had invested in the estate. The 1st petitioner (A3) informed that after selling the estate, she will pay the money to Madhivanan. Thereafter, Madhivanan stopped coming to the



estate. The petitioner is A3 and A4 is her husband. Both A3 and A4 have been appointed the 1st accused Venkatesh as Manager of the property and on occasions, the petitioner used to visit the estate. The petitioners intended to encroach the poramboke land of the defacto complainant and hence, they created problem through their Manager. But, the defacto complainant was resisting the same. Hence, on 10.03.2017, the petitioners had asked their Manager – A1 to hire a JCB vehicle for rent and to lay a road to the estate. In the said process, it also levelled the defacto complainant's land. The JCB was hired by LW10 and the second accused (A2) is the driver of the JCB. When the defacto complainant had protested and objected, at that time, the Manager had used abusive words against the defacto complainant and threatened him. At that time, the petitioners were present there. This was witnessed by LW2 to LW5. The respondent police had enquired the witnesses, seized the JCB, prepared observation mahazar and rough sketch and thereafter listing 18 witnesses, filed the charge sheet.

3. The learned counsel for the petitioners submitted that the petitioners name does not find place in the FIR. As per FIR, on 10.03.2017 at about 12.00 noon, A1 – Manager of the estate and one Madivanan, partner of A3 had taken a JCB on hire from LW10 Murugan and attempted to level the place including the poramboke land which is in possession and enjoyed by the defacto complainant.



When he resisted, at that time, the driver of JCB – A2 attempted to close the well and also used abusive words and finally they also levelled the well causing damage to the defacto complainant's crops and well.

4. In the complaint, there is no reference about the presence of the petitioners anywhere near the scene of occurrence. In his 161 statement, the defacto complainant had not whispered about the petitioner's name. It is thereafter, LW2 to LW5, who were given exaggerated version as though the petitioners have present and at their instigation, A1 and A2 had levelled the land of the defacto complainant causing damage. Apart from them, all other witnesses and hear say witnesses or witnesses to the observation mahazar and rough sketch for obtaining the community certificate and no other witnesses have stated anything against the petitioner. It is further submitted that the defacto complainant had sold the land to other person and left. In this case, A3 and Madhivanan are the owners of the estate and for some reason, the said Madhivanan have been led off.

5. The learned Government Advocate (Crl.Side) for respondents 1 & 2 submitted that on the complaint of the defacto complainant, a case has been registered and thereafter during investigation, statement of witnesses recorded. The Investigation Officer has gone to the scene of occurrence, prepared



observation mahazar, rough sketch, collected documents and filed charge sheet.

In this case, a 10HP motor was seized from A1 and a JCB was seized from A2.

The bill book confirming that JCB was given on hire was collected from A2. He further submitted that A1 is no more.

6.The learned counsel for 3rd respondent / defacto complainant submitted that in this case initially the defacto complainant was in a state of shock and could not give the complete details and thereafter in the further statement, the defacto complainant had stated about the presence of petitioners (A3 & A4) and had also instigating A2 to commit the offence. Apart from LW1, LW2 to LW5 have corroborated the evidence of LW1. Since there was some dispute with A3, Madhivanan was not coming to the estate and his name was not included in this case. She strongly opposed the entertainment of the above petition.

7.Heard the learned counsel for the petitioners, learned Government Advocate (Crl.Side) for respondents 1 & 2 and the learned legal aid counsel for 3rd respondent.

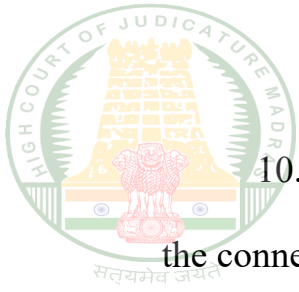
8.Considering the submissions that petitioners - A3 and A4, who are owning lands adjacent to the defacto complainant's land. The defacto complainant admittedly was enjoying the two acres of poramboke land and the



petitioners want to develop their property and for the said purpose, an approach road was proposed to be laid and a JCB was hired by the Manger of the estate.

At that time, there was some dispute with the defacto complainant and there was a wordy quarrel, which was admitted in the FIR and in the initial statement of defacto complainant, there is no reference about the presence of petitioners in the scene of occurrence. Later, in the further statement and in the statement of LW2 to LW5, the presence of petitioners are recorded. Even then it is stated that they are merely present and it is the claim of the other accused that on the instigation of the petitioners, they have levelled the place. It is now seen that the defacto complainant had sold the land to third person and he is no more holding any land in that area. It is also stated that in this case A1 is died and A2 belongs to Malayalam community as that of the defacto complainant.

9.Considering the facts and circumstances of the case, submissions made by learned counsel on both sides and the available materials on record, this Court is inclined to quash SPL.SC.No.20 of 2019 as against the petitioners alone. Accordingly, SPL.SC.No.20 of 2019 is quashed as against the petitioners and also against other accused who are similarly placed like petitioners. This Court appreciates Ms.Deekshitha Dinesh, Legal Aid Counsel for her work done in this case.



10. In the result, this Criminal Original Petition is allowed. Consequently,
the connected miscellaneous petitions are closed. No costs.

WEB COPY

11-06-2026

krk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal District and Sessions Judge,
Principal District and Sessions Court,
Salem.

2. The Deputy Superintendent Of Police
Kariyakoil, Salem District

3. State Rep By
Kariyakoil Police Station, Salem
District Cr No.9/2017

4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY

CRL OP No. 2889 of 2



M.NIRMAL KUMAR J.

krk

**CRL OP No. 2889 of 2023 and
Crl.M.P.Nos.1699 & 1700 of 2023**

11-06-2026