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Crl.O.P.No.3147 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3147 of 2023
and Crl.M.P.Nos.1898 & 1899 of 2023

Kanniyappan,
S/o.Gopalakrishnan,
No.12, Nehru Street,
Valliyambakkam,
Chengalpattu.

..Petitioner(s)

Vs

R.Kowsalya,
W/o.Raja,
No.7, Nehru Street,
Villiyambakkam Village,
Chengalpattu Taluk & District.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the Calendar Case in C.C.No.586 of 2022 on the file of the learned Judicial Magistrate-II, Chengalpattu, quash the same.

For Petitioner(s): Mr.G.Mageshkumar

For Respondent(s): No appearance



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ORDER

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This petition has been filed to quash the proceedings in C.C.No.586 of 2022 on the file of the learned Judicial Magistrate-II, Chengalpattu, thereby taken cognizance for the offences punishable under Sections 120(b), 408, 424, 420, 294(b) & 506(ii) of IPC, as against the petitioner.

2. The case of the prosecution is that the property comprised in S.F.Nos.340/1 & 2 situated at Valliyambakkam Village, Chengalpattu was originally belonged to the defacto complaint's grandfather. After his demise, his son by named Ragavan Naicker inherited the subject property. He had two sons and one daughter viz., the defacto complainant. The said Ragavan Naicker also died and all his legal heirs inherited the subject property. While being so, one Gopalakrishnan concocted a sale deed dated 11.04.2008 registered vide document No.3192 of 2008 in respect of the subject property. On the strength of the said sale deed, the said Gopalakrishnan disturbed the possession and enjoyment of the subject property. After demise of the said Gopalakrishnan, the accused persons, being the legal heirs of the said Gopalakrishnan, tried to encroach upon the defacto complainant's property. Therefore, the defacto complainant and her brothers filed suit in O.S.No.6 of 2018 on the file of the

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District Munsif Court, Chengalpattu, for declaration and injunction as against the accused persons. While pending the suit, once again the accused persons had attempted to trespass into the subject property. When the same was questioned by the defacto complainant, the accused persons damaged the complainant's property and also attacked her. Though she lodged complaint, no steps have been taken to enquire the accused persons. After filing a direction petition before this Court, a FIR has been registered in Crime No.354 of 2019 on the file of the Inspector of Police, Taluk Police Station, Chengalpattu, for the offences punishable under Sections 147, 148, 294(b) & 324 of IPC, as against the accused persons. While pending investigation, once again the accused persons trespassed into the property and attacked the defacto complainant. Hence, the defacto complainant lodged a private complaint seeking direction under Section 156(3) of Cr.P.C., and the same has been taken cognizance by the trial Court in C.C.No.586 of 2022. To quash the said proceeding the petitioner filed the present petition.

3. Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court. Though notice serviced on the respondent, no one is appeared on behalf of the respondent before this Court either by person or through pleader.

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4. On perusal of the records, it is revealed that there are totally eight accused in which the petitioner is arrayed as A6. According to the respondent, the accused persons are attempted to trespass into the property and attacked her. For the very same occurrence, already the respondent lodged a complaint in Crime No.354 of 2019 and after filing final report the same has been taken cognizance in C.C.No.614 of 2022 on the file of the learned Judicial Magistrate No.I, Chengalpattu and it is pending for trial. For the very same occurrence and for the very same set of allegations, two proceedings cannot be done. Hence, the present complaint cannot be sustained and is liable to be quashed.

5. Accordingly, the impugned proceedings in C.C.No.586 of 2022 on the file of the learned Judicial Magistrate-II, Chengalpattu, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
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1. The Judicial Magistrate-II,
Chengalpattu.



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G.K.ILANTHIRAIYAN. J,

rts

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