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CRL OP No. 17378 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 17378 of 2023

and

CRL MP No. 11265 of 2023

1. Bala Subramanian @ Bala Subramaniam
2. Saminathan @ Kannusamy
3. Poongodi @ Poogodi
4. Saminathan

..Petitioners

Vs

1. State Rep.By
Kangeyam Police Station,
Tiruppur District
(Crime No.471 of 2022)

2. Kumarasamy

..Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.37 of 2023 on the file of the Judicial Magistrate, Kangeyam, Tirupur.

For Petitioners: Mr.S.Silambuselvan

For Respondents: Mr.A.Gopinath
Government Advocate (Crl.Side) for R1
Mr.M.Vignesh for R2



ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.37 of 2023 on the file of the Judicial Magistrate, Kangeyam, Tiruppur District.

2. The case of the prosecution is that the second respondent owned agricultural land comprised in Re-Survey No.883/A5, measuring an extent of 5.26 acres, situated at Naal Road Village, Kangeyam Taluk, Tiruppur District. It is alleged that when the second respondent attempted to fence his property, the petitioners obstructed the same due to previous enmity. Further, it is alleged that on 24.09.2022, at about 1.00 a.m., the petitioners trespassed into the land of the second respondent and damaged the fencing stones by using hammers. The petitioners also threatened the second respondent and his wife with dire consequences. Hence, the complaint.

3. On receipt of the said complaint, the first respondent registered an FIR in Crime No.471 of 2022 for the offences punishable under Sections 447, 294(b), 427, 506(i) of IPC. After completion of the investigation, the first respondent filed a final report and the same has been taken cognizance by the Trial Court.



4. A perusal of the records and the submissions made by the counsel appearing on either side, reveals that the second respondent owned property comprised in Re-Survey No.883/A5, measuring an extent of 5.26 acres, situated at Naal Road Village, Kangeyam Taluk, Tiruppur District. The second respondent filed a suit in O.S.No.21 of 2022 on the file of the District Munsif Court, Kangeyam, seeking bare injunction, as against the petitioners. The said suit was decreed by Judgment and Decree dated 27.10.2025, thereby restraining the petitioners herein from interfering with the peaceful possession and enjoyment of the subject property.

5. At the same time, the petitioners also filed a suit in O.S.No.205 of 2022 on the file of the District Munsif Court, Kangeyam, seeking injunction against the second respondent, thereby restraining him from interfering with their peaceful usage of a pathway marked as A B C D, comprised in Survey Nos.886 and 887, Naal Road Village, Kangeyam Taluk, Tiruppur District. The said suit was also decreed by Judgment and Decree dated 27.04.2026 in favour of the petitioners. Therefore, it is seen that there is a pathway dispute between the petitioners and the second respondent. As per the decree in O.S.No.205 of 2022, the petitioners are entitled to use the pathway marked as A B C D in Re-Survey Nos.886 and 887 and the second respondent has been restrained



from interfering with their peaceful usage of the said pathway. Simultaneously, the second respondent also obtained an order of injunction protecting his peaceful possession and enjoyment of the agricultural land in Re-Survey No.883/A5, to an extent of 5.26 acres, situated at Naal Road Village, Kangeyam Taluk, Tiruppur District.

6. The allegation as against the petitioners is that they trespassed into the property owned by the second respondent and caused damage to the fencing. The specific case of the petitioners is that the second respondent, by putting up fencing, obstructed their usage of a public pathway. Therefore, the petitioners caused damages to the fencing, which has been assessed by the prosecution at a sum of Rs.36,000/-.

7. In order to secure the ends of justice, this Court is inclined to quash the proceedings on condition that the petitioners shall pay the damages assessed by the prosecution to the tune of Rs.36,000/- in favour of the second respondent.

8. Accordingly, the proceedings in C.C.No.37 of 2023 on the file of the Judicial Magistrate, Kangeyam, are hereby quashed on condition that the petitioners shall pay a sum of Rs.36,000/- directly to the second respondent by



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way of Demand Draft. On such payment, the petitioners shall obtain acknowledgment and produce the same before the Trial Court on or before 29.05.2006. Failing which, the Criminal Original Petition shall stand automatically dismissed and the Trial Court is directed to proceed with the trial as against the petitioners in accordance with law.

9. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

29-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

LPP

To
1.The Judicial Magistrate,
Kangeyam, Tiruppur District.

2.The Inspector of Police,
Kangeyam Police Station,
Tiruppur District

3.The Public Prosecutor,
High Court, Madras.



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LPP

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