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CRL OP No. 20077 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL OP No. 20077 of 2023 &
Crl.M.P.No.13609 of 2023**

1. N.Palanisamy
S/o. Nanjai, No.85, Solavampalayam,
Kuppanur, Coimbatore District.
2. P. Idhayakumar
S/o. N. Palanisamy, No.86, Solavampalayam,
Kuppanur, Coimbatore District.

..Petitioner(s)

Vs

1. State By
The Inspector Of Police, Annur Police Station,
Coimbatore. Cr.No.398 Of 2023.
2. V. Palanisamy
S/o. Veerappa Gounder, No.1/82, Kuppanur
Post, Solavampalayam, Coimbatore District.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to Call for the records for the entire records pertaining to the Crime No.398/2023 on the file of the Inspector of Police, Annur Police Station, Coimbatore and quash the same.

For Petitioner(s):

For Respondent(s):

Mr.B.Kumarasamy

Mr.A.Gopinath for R1

Government Advocate (Crl.Side)

Notice Served – No appearance - R2



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ORDER

This Criminal Original Petition has been filed to quash the Crime No.398 of 2023 on the file of the Inspector of Police, Annur Police Station, Coimbatore.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the 1st respondent and perused the entire documents placed on record. Though notice was served on the 2nd respondent, none appears for the 2nd respondent, either through learned counsel or in person, therefore, this Court is inclined to pass orders on the available records.

3. The 2nd respondent lodged a complaint alleging that when he was erecting submersible motor pump in the Well, the accused arrived and severed the PVC Pipe and also the electric wire, therefore, the entire submersive motor pump had fallen into the Well, therefore, the 1st respondent registered FIR in Crime No.398 of 2023 for the offence punishable under Section 430 IPC.



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4. On perusal of the entire records and the submissions made on either side, it reveals that the subject property comprised in S.F.Nos.287/3B, 287/3H, 287/3I and 283/3C situated at Solvampalayam, Kuppanur, Coimbatore District belongs to the accused and the same was purchased through registered sale deed vide document no.3472/2008 and patta no.9587. Thereafter, the 1st petitioner had executed a settlement deed in respect of the very same property in favour of his wife, registered vide document no.2631/2022. In turn, the 1st petitioner's wife had executed a settlement deed in favour of the 2nd petitioner on 24.05.2023 vide document no.6851/2023. The 2nd petitioner also submitted an application before the electricity authorities seeking transfer of name of electricity service connection.

5. That apart, the 2nd respondent has purchased the remaining land from the 1st petitioner's vendor without having right over the sharing of the water from the Well to draw water, which is situated in S.F.No.287/3I. In fact, the 2nd respondent filed a suit in O.S.No.1918 of 2016 for permanent injunction in respect of sharing water from the Well. After full fledged trial, the learned I Additional District Munsif, Coimbatore by Judgment and Decree dated 28.01.2020 dismissed the suit by holding that the 2nd respondent has no right to share the water from the Well. Therefore, without any right, the 2nd



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respondent entered into the subject property and attempted to install the motor pump set and it was prevented by the petitioner. Therefore, no offence is made out under Section 430 of IPC and the present FIR is a clear abuse of process of law.

Accordingly, the present FIR in Crime No.398 of 2023 on the file of the 1st respondent is liable to be quashed and the same is quashed. In the result, the present Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

21-04-2026

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

ssd

To

1. State By
The Inspector Of Police, Annur Police Station,
Coimbatore. Cr.No.398 Of 2023.

2. The Public Prosecutor,
High Court, Madras



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G.K.ILANTHIRAIYAN, J.

ssd

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