



WEB COPY



CRL OP No. 19912 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. 19912 of 2023 &
Crl.M.P.No.13524 of 2023**

N.Rukmangathan
S/o Natraja, No.54, Water Cannel Raod,
Flat No.1520, 2nd Block Alliance Archid Spring,
Korattur, Chennai-76

..Petitioner(s)

Vs

1. The State rep. By
The Sub Inspector Of Police
F-5 Pathirvedu Police Station,
Thiruvallur District
2. V.M.Vijayaraghavan
S/o V.Muthiah, No.30/22, Mounasamy
Madam Street, Villivakkam, Chennai-80

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No.286 of 2023 pending on the file of the 1st respondent and quash the same

For Petitioner(s):	Mr R.C.Paul Kanagaraj
For Respondent(s):	Mr.A.Gopinath for R1 Government Advocate (Crl.Side)
	Mr.S.Senthilvel for R2



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ORDER

This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.286 of 2023 pending on the file of the 1st respondent.

2. The case of the 2nd respondent is that when the 2nd respondent is in possession and enjoyment of the property comprised in Survey No.57, situated at No.27, Karadiputhur Village, Kancheepuram District, the accused, tress passed into the said land and scolded the 2nd respondent with filthy language and also threatened with dire consequences.

3. Heard the learned counsel appearing for the petitioner, learned Government Advocate (Crl.Side) appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent and perused the documents placed on record.

4. On a careful perusal of the records and also upon hearing the submissions made by either side, it reveals that the 2nd respondent agreed to sell the subject property in favour of the petitioner herein for a sum of Rs.30 Lakhs for which, the petitioner also paid a substantial sale consideration.



Even then, the 2nd respondent failed to execute the sale deed and as such, the petitioner filed a suit for specific performance in O.S.No.385 of 2021 and it is pending for adjudication on the file of the Additional District Judge-IV, Ponneri.

5. That apart, as per the agreement, the petitioner was put in possession and enjoyment of the property, even then, the 2nd respondent attempted to tress pass into the property and as such, the petitioner lodged a complaint and the same was registered in Crime No.285 of 2023. On 22.07.2023, after registration of FIR, the 2nd respondent woke up and lodged the present complaint in Crime No.286 of 2023, as if the petitioner and others tress passed into the subject property and threatened with dire consequences.

6. Considering the above said facts and circumstances of the case, this Court stayed the investigation in both the FIRs. Therefore, the registration of FIR is nothing but clear abuse of process of Law, since the suit for specific performance is pending as against the 2nd respondent. Insofar as possession of the subject property is concerned, it has to be decided by the civil court by letting in evidence.

7. In view of the above, no offence is made out as against the petitioner in both the complaints. Accordingly, both the FIRS, viz., Crime Nos.285 and



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286 of 2023 on the file of the 1st respondent cannot be sustained and liable to be quashed and the present Criminal Original Petition is allowed and the Crime Nos.285 and 286 of 2023 are quashed. Consequently, connected miscellaneous petition is closed.

21-04-2026

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

ssd

To

The Sub Inspector Of Police
F5 Pathirvedu Police Station, Thiruvallur
District



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G.K.ILANTHIRAIYAN, J.

ssd

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