



Crl.O.P.No.32077 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2026

CORAM:

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

Crl.O.P.No.32077 of 2022
and Crl.M.P.No.19730 of 2022

1. R.Vijayasamundeeswari,
W/o.Late T.K. Ravichandra Mouli, No.61/1,
NH-45, Pallapattu, Thindivanam Taluk,
Villupuram District.
2. Velu,
S/o. Mahalingam, Mari Amman Kovil Street,
Pudu Colony, Mailam Village, Thindivanam
Taluk, Villupuram District.
3. Ranjith Kumar,
S/o. Kuppusamy, Old Colony, Nallamur
Village, Thindivanam Taluk, Villupuram
District.
4. Panneerselvam,
S/o. Munusamy, Mariamman Kovil Street,
Mailam Village, Thindivanam Taluk,
Villupuram District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep by the Sub Inspector Of Police,
Mailam Police Station, Tindivanam Taluk,
Villupuram District.



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2. Perumal

S/o. Velayutham, Mariyamman Koil Street,
Pathirapuliur Village, Thindivanam Taluk,
Villupuram District.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.496 of 2018 on the file of the Judicial Magistrate-II Tindivanam and quash the same.

For Petitioner(s): Mr.D.Bharathi for P1
Mr.M.Vijayakumar for P2 to P4

For Respondent(s): Mr.A.Gopinath
Government Advocate (Crl.Side) for R1

ORDER

This petition has been filed to quash the proceedings in C.C.No.496 of 2018 on the file of the Judicial Magistrate-II Tindivanam, thereby taken cognizance for the offences punishable under Sections 147, 447, 427 of IPC, as against this petitioners.

2. The case of the prosecution is that all the accused persons trespassed into the property owned by the second respondent to an extent of 6.22 acres comprised in new survey No.61/1, old survey Nos.57/8 & 57/5 situated at Palapattu Village, Tindivanam and cut down the banana trees. On



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receipt of the said complaint, the first respondent registered the FIR on 18.02.2018 in Crime No.84 of 2018. After completion of investigation, the charge sheet was made ready on 18.02.2018 itself and the same has been taken cognizance by the trial Court in C.C.No.496 of 2018 on the file of the learned Judicial Magistrate-II Tindivanam, for the offences punishable under Sections 147, 447, 427 of IPC. To quash the said proceedings, the present petition has been filed.

3. The learned counsel appearing for the petitioners submits that the entire allegations are trivial in nature. Though the FIR was registered on 18.02.2018, it was reached the Court only on 21.02.2018. Further, though the first respondent completed the investigation and the charge sheet was made ready as early as on 18.02.2018, it was sent to the Court only on 30.07.2018. Therefore, after the long time of preparation of final report it was sent to the Court only on 30.07.2018. Therefore, the entire proceedings cannot be sustained and it is liable to be quashed.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent submitted that the offences are under Sections 147, 447, 427 of IPC. Therefore, the first respondent after completion of



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investigation filed final report on 30.07.2018. There was absolutely no delay from the date of registration of FIR. Within a period of five months, the charge sheet was laid before the Court. Therefore, no ground to quash the charge sheet.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court. Insofar as the second respondent is concerned, he died long back.

6. The property comprised in new survey No.61/1, old survey Nos.57/8 & 57/5 situated at Palapattu Village, Tindivanam, was originally belonged to one Arumuga Mudaliar and he had purchased the said property by the registered sale deed dated 06.02.1941. Thereafter, he died on 13.12.1999 and his wife also pre-deceased to him. According to the second respondent, he inherited the suit property from their only daughter viz., Lakshmikantham, who inherited the subject property and she was in possession and enjoyment of the same.

7. According to the petitioners one Rajeswari, who is the daughter of the second respondent herein, set up two Wills dated 22.02.1995 and



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09.03.1995 claimed to be executed in her favour by the said Arumuga Mudaliar and his wife. On the strength of the said Wills, she had executed a sale deed dated 28.09.2000 in favour of the deceased Ananthavalliammal. She attempted to interfere with the possession and enjoyment of the subject property of Lakshmikantham and filed suit in O.S.No.113 of 2007 on the file of the Principal Sub Court, Tindivanam, for declaration and permanent injunction. Further, she also prayed for declaration that the sale deed dated 28.09.2000 will not bind her interest. The trial Court disbelieved both the Wills filed by the said Ananthavalliammal, who is none other than the wife of the second respondent/defacto complainant and dismissed the suit by the judgment and decree dated 28.06.2012. Aggrieved by the same, they filed an appeal in A.S.No.31 of 2012 on the file of the learned Principal District Judge, Villupuram, and the same was also dismissed by the judgment and decree dated 29.04.2013. It was challenged before this Court in SA.No.812 of 2013 and the same was also allowed in terms of compromise on 02.03.2020.

8. The petitioners are in possession and enjoyment of the subject property and without considering the same, on the complaint lodged by the second respondent, the first respondent registered the FIR and also filed charge sheet. The first petitioner is the wife of one T.K.Ravichandra Mouli, who is the



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son of the said Lakshmikantham. Even before the second appeal, the said Lakshmikantham had executed Power of Attorney in favour of the first petitioner's husband. Subsequently, the subject property was settled in favour of T.K.Ravichandra Mouli by the settlement deed dated 21.09.2012. After settlement deed, the petitioners are in possession and enjoyment of the property. Therefore, no offence is made out under Sections 147, 447, 427 of IPC. The first petitioner is cultivating the subject property by banana trees in which, no offence is made out as against the petitioners as alleged by the prosecution. This Court finds that the entire proceedings initiated as against the petitioners under Sections 147, 447, 427 of IPC, cannot be sustained and liable to be quashed.

9. Accordingly, the proceedings in C.C.No.496 of 2018, on the file of the learned Judicial Magistrate-II, Tindivanam, is hereby quashed and the Criminal Original Petitions stands allowed. Consequently, connected Miscellaneous Petition is closed.

02.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rts



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WEB COPY

To

1. The Judicial Magistrate-II,
Tindivanam.
2. The Sub Inspector Of Police,
Mailam Police Station,
Tindivanam Taluk,
Villupuram District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



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G.K.ILANTHIRAIYAN. J,

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