



CrI.O.P.(MD)No.2231 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.01.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CrI.O.P.(MD)No.2231 of 2024

and

CrI.M.P.(MD)No.1702 & 1703 & 4028 of 2024

1.Duraiarasan

2.Archunan

3.Singaraj

4.Karthik @ Karthik

... Petitioners

Vs.

1. The State represented by its

The Inspector of Police,

Nainarkoil Police Station,

Ramanathapuram District.

Crime No.3 of 2022

2. Naganathan

3.Pothumponnu

4.Soundararajan

5.Muthuramu

6.Kalaiselvan

7.Bagavat Singh

8.Krishnan

... Respondents

(R3 to R8 are impleaded as per order of this Court dated 27.01.2026 in CrI.M.P. (MD)No.4028 of 2024.)

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to the Impugned charge sheet in S.C No. 48 of 2023 on the file of the learned Principal District court, Ramanathapuram, Ramanathapuram District and quash the same as illegal so far as the petitioner is concerned.



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For Petitioners : Mr.D.Balamuruga Pandi
For Respondents : Mr.M.Sakthi Kumar (R1)
Government Advocate
Mr.Ramasamy
for Mr.S.Ramakrishnan (R2)

ORDER

The petitioners seek for quash of the proceedings in S.C No. 48 of 2023 on the file of the learned Principal District Judge, Ramanathapuram, Ramanathapuram District.

2. The learned counsel appearing for the petitioners submitted that on a complaint received from the second respondent, an FIR in Crime No.3 of 2022 came to be registered by the respondent police as against the petitioners for the offence under Sections 295 and 505(2) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 and the same culminated in laying charge sheet in S.C No. 48 of 2023 for the same offence on the file of the learned Principal District Judge, Ramanathapuram, Ramanathapuram District.



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3. The learned counsel for the petitioners submitted that though the petitioner seeks quash of the impugned charge sheet, they are ready to limit their prayer only with respect to the offence under Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, for which he relied upon the judgment of this Court in Crl.O.P.No.4120 of 2022 dated 18.08.2022, wherein this Court has held that the provisions of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, cannot be made applicable to the damage caused to the properties in dispute between the two private parties.

4. Per contra, the learned Government Advocate appearing for the respondent police categorically submitted that the mandate of the aforesaid case will not be applicable to the facts and circumstances of this case. In this case, Mulaikottai Thinnai, situated in natham land at S.No.331 of Vallam Village, Paramakudi Taluk, Ramanathapuram District, which is claimed by two community people is the subject matter of dispute, in which one of the community people belonging to the petitioners have demolished the platform therein by using a JCB and hence, obviously that cannot be a dispute between two private persons, but between two community people. The same would attract the terminology 'public' and sought for dismissal of this petition.



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5. The argument advanced by the learned Government Advocate appearing for the respondent police was adopted by the learned counsel appearing for the second respondent as well.

6. At this juncture, the learned counsel appearing for the petitioners categorically contended that the same is not a government property and that since it is a private property, the same is necessarily to be quashed.

7. In reply, the learned Government Advocate appearing for the respondent police relied upon an order of this Court in Crl.R.C.(MD)No.869 of 2022 dated 08.06.2023 and the relevant portion of the said order reads as follows:-

“2. The revision petitioners are the accused Nos.1 to 6 in S.C.No.5 of 2020 dated 11.07.2022, on the file fo the learned Principal District and Sessions Judge, Ramanathapuram and they said to have committed the offences under Sections 147, 447, 448, 506(1) IPC r/w 3 of TNPPDL Act. Pending the said case, the petitioners have filed a discharge petition under Section 227 Cr.P.C., stating that Section 3(1) of the TNPPDL Act is not applicable to the alleged damages caused to the private land. The same was dismissed by the impugned order dated 11.07.2022.

3. Challenging the same, the petitioners filed this criminal revision case. The learned Single Judge of this Court has raised the following question and placed the same before the Hon'ble Division Bench of this Court:



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“Whether or not, the offence causing loss or damage to the private properties during private dispute between two groups or individuals can be investigated and tried as per the provisions of Tamil Nadu property (Prevention of Damages and Loss) Act, 1992 as amended by Act 46 of 1994.”

4. The Hon'ble Division Bench of this Court answered as follows:

28. Thus the question No.1 referred to us is answered to the effect that even loss or damage to private properties caused during private disputes between two groups or individuals can be investigated and tried under the provisions of the Tamil Nadu Property (Prevention of Damage and Loss) Act 1992 as amended by Act 46 of 1994”

8. Heard the learned counsel on either side and carefully perused the materials available on record. Being satisfied with the reasons stated in the affidavit filed in support of the impleading petition, the petition in Crl.MP(MD)No.4028 of 2024 stands allowed. Registry is directed to carry out necessary amendment in this petition. Since no adverse order is proposed to be passed in this petition, notice to the newly impleaded respondents is dispensed with.

9. This Court is of the considered view that the case relied upon by the learned counsel appearing for the petitioner in Crl.O.P.No.4120 of 2022 dated 18.08.2022, will not be applicable to the facts and circumstances of this case. The aforesaid case was respect to damage of water pipe and banana trees



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belonging to the de facto complainant, causing a loss to the tune of Rs.1,500/- by the accused persons. Hence, the same is a private affair between the accused and the defacto complainant.

10. However, in the instant case, the dispute is with respect to Mulaikottu Thinnai situated in natham land in S.No.331 of Vallam Village, Paramakudi Taluk, Ramanathapram District is with respect to two communities. In this regard, the damage has been caused by the petitioners' community with the help of JCB and obviously, the same would attract the offence Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992.

11. In view of the above observations and also fully fortified by the order of this Court in Crl.R.C.(MD)No.869 of 2022 dated 08.06.2023, this Court is not inclined to interfere with the pending charge sheet. Accordingly, this criminal original petition stands dismissed.

12. However, considering the facts and circumstances of this case, the personal appearance of the petitioners 1, 2 & 3 before the trial Court is ordered to be dispensed with, on conditions that the petitioners 1, 2 & 3 shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C., / 351



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BNSS, 2023 and at the time of passing judgment and on all the hearings, specifically directed by the Trial Court.

13. The petitioners 1, 2 & 3 shall appear before the Court, in the event their presence is insisted by the learned Trial Judge for the purpose of identification. If the petitioners 1, 2 & 3 adopt any dilatory tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners 1, 2 & 3 in accordance with the law laid down by the Hon'ble Supreme Court of India, in the case of *State of UP vs. Shambunath Singh*¹. Accordingly, Crl.M.P. (MD)No.1703 of 2024 is allowed.

14. This Court also directs the learned Principal District Court, Ramanathapuram, Ramanathapuram District, to conclude the trial in SC No.48 of 2023 within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

27.01.2026

NCC : Yes / No
Index : Yes / No
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¹ 2001 (4) SCC 667



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L.VICTORIA GOWRI, J.

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TO:-

1. The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
2. The Judicial Magistrate, Nainarkoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.2231 of 2024

Dated
27.01.2026