



Crl.O.P.(MD)No.13234 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2026

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.13234 of 2023

and

Crl.M.P(MD)No.10334 of 2023

1. Kanagavalli
2. Vellankanni
3. Litwin Joan Jeraldine
4. G.Murugesan
- 5.Boopathy @ Boopathiammal .. Petitioners

Vs.

1. The Sub Inspector of Police
Dhalavaipuram Police Station,
Virudhunagar District
2. Sanmugeswari .. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records in the case in Crime No.82 of 2023 on the file of the first respondent and quash the same as illegal, arbitrary, violation of law.

For Petitioners : Mr.M.Jothi Basu

For Respondents : Mr.P.Vetrivel
No.1 Government Advocate(Crl.Side)
No.2 : No appearance



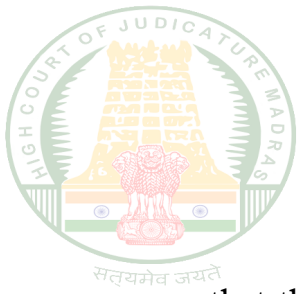
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ORDER

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.82 of 2023 on the file of the first respondent police.

2. The case of the prosecution is that the property in S.NO.77/15F, Nallamangalam Village has been classified as Pathway in revenue records. The petitioners/A1 to A5 have encroached the common pathway and therefore the defacto complainant filed a writ petition in WP(MD) No. 6324 of 2021 before this Court to remove the encroachment and the said petition was disposed of and thereafter the revenue authorities have removed the encroachment on 03.04.2023. Thereafter they again encroached the pathway and thereby the defacto complainant submitted a representation before the Tahsildhar , Rajapalayam and the said Tahsildhar forwarded the representation to the Inspector of Police, Thalavaipuaram for necessary action. Based on that on 20.04.2023 the first respondent registered a case in Crime No.82 of 2023 for the offences under Sections 147, 294(b) of IPC and Section 4 of TNPHW Act and now the said First Information Report has been challenged by the petitioners.



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3. The learned counsel appearing for the petitioners would submit that there is a pathway dispute between the parties and due to enmity the second respondent lodged a false complaint before the Tahsilshar, Rajapalayam and the said Tahsilshar forwarded the said petition to the first respondent police and based on the direction of the Tahsildhar the first respondent registered a case. The Tahsildhar has no power to direct the first respondent to register the case. Even as per the First Information there is no prima facie materials to constitute the alleged offence under Sections 147,294(b) of IPC and Section 4 of TNPHW Act. The First Information Report does not speak about the occurrence in the public place and admittedly the alleged occurrence took place in the private place and there is no unlawful assembly. Even according to the case of prosecution the alleged pathway is a common pathway and the petitioners 1,2 and 5 are women and thereby the provision under Section 4 of TNPHW Act would not attract . Already civil suit is pending in O.S.No. 96 of 2023 on the file of the District Munsif Court, Rajapalayam. Whiles, the registration of the First Information Report is nothing but abuse of process of law and thereby the First Information Report is liable to be quashed.



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4. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that there is a pathway dispute between the parties and thereby encroachment was removed by the revenue authorities as per the orders of this Court in WP(MD) No.6324 of 2021 and therefore the petitioner lodged complaint before the Tahsildhar, Rajapalayam and the said complaint was forwarded to the first respondent . Based on the complaint forwarded the first respondent registered a case in Crime No.82 of 2023 for the offences under Sections147,294(b) of IPC and Section 4 of TNPHW Act and now the case is under investigation and there are prima facie materials available to constitute the offence and thereby it is a matter for trial and hence the petition has to be dismissed.

5. Heard both sides and perused the materials available on record.

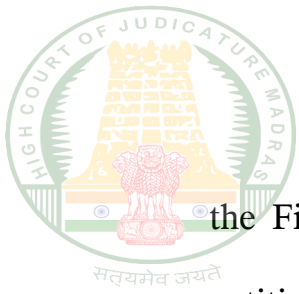
6. On perusal of records it is seen that there is a pathway dispute between the parties in respect of private property . Already the defacto complainant filed a writ petition before this Court in WP(MD) No.6324 of 2021 on the file of this Court for issuance of writ of mandamus to direct the revenue authorities to remove the encroachment and the said petition



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was allowed and based on the order of the Court encroachment was removed by the revenue authorities on 03.04.2023. Immediately on 05.04.2023 the defacto complainant submitted a complaint before the Tahsilshar, Rajapalayam and the same was forwarded to the first respondent . Based on the report of the Tahsildhar a case has been registered .

7. A perusal of the complaint reveals that on 03.04.2023 the revenue authorities have removed the encroachment at that time in the presence of revenue authorities, the accused have used obscene words, therefore requested to take appropriate action. There is a pathway dispute between the parties in respect of private property and there are no specific ingredients to constitute the offence under Section 294 (b) of IPC and there is no specific words mentioned and there is no reference that all the accused formed unlawful assembly and used obscene words in or near the public place and it caused annoyance to the public. Even as per the case of prosecution the alleged occurrence took place at the private land and there is no ingredients to attract the provision under Section 4 of TNPHW Act. There are only vague, omnibus and bald allegations. Based on the said averments the First Information Report has been registered and even as per



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the First Information Report no offence is made out and therefore the petitioners need not face the ordeal of trial. Further on face of records it shows that the complaint has been lodged with malafide intention in respect of property dispute and therefore the pending First Information Report is nothing but abuse of process of law and the same is liable to be quashed

8. In view of the same, the Criminal Original Petition stands allowed and the pending First Information Report in Crime No.82 of 2023 on the file of the first respondent police is hereby quashed. Consequently connected miscellaneous petitions stand closed.

08.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No

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To

1. The Sub Inspector of Police
Dhalavaipuram Police Station,
Virudhunagar District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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