



Crl.O.P(MD).No. 20557 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.03.2026

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THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD)No.20557 of 2022

and

Crl.M.P(MD) No.14286 of 2022

R.Chellapa

... Petitioner/Sole Accused

Vs

**1. The State Represented by
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City,
(In Crime No. 112 of 2021)**

... 1st Respondent/Complainant

2. Shanmugam

... 2nd Respondent/ Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records of Charge Sheet in C.C.No.157 of 2022 on the file of the learned Judicial Magistrate No.IV, Tirunelveli and quash the same.

For Petitioner : Mr.M.Maharaja

**For R1 : Mr.M.Karunanithi
Government Advocate (Crl Side)**

For R2 : No appearance



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ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.157 of 2022 on the file of the learned Judicial Magistrate No.IV, Tirunelveli.

2. According to the prosecution there is an existing dispute relating to the enjoyment of the land. In this dispute on the date of the occurrence on 27.02.2021 at about 11.00 am, the defacto complainant locked the land and the same was removed by the petitioner/accused. The petitioner removed the lock and the same was questioned by the defacto complainant at the time there was a wordy quarrel and hence the petitioner is said to have criminally intimidated the defacto complainant. Hence, the respondent police has registered the case for the offence under Sections 294(b), 506(1) of I.P.C and 4 of TN Prohibition of Harassment of Women Act.

3. The learned counsel appearing for the petitioner would submit that there was no incriminating material available as against the petitioner to



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frame the charges under Sections 294(b), 506(1) of I.P.C and 4 of TN Prohibition of Harassment of Women Act.

4. Even according to the allegations made in the FIR and the final report, there are no materials to constitute an offence under Section 506(1) of IPC, as no assault has been caused by the petitioner. Furthermore, there is an existing civil dispute pending between the parties, and the petitioner appears to have been falsely implicated in this case.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent, on instructions, submitted that there is a clear case of criminal trespass, as the petitioner allegedly trespassed into the land and removed the lock. He further submitted that the witnesses have specifically stated about the acts of criminal intimidation and abuse committed by the petitioner. Therefore, according to him, sufficient materials are available on record, and this is not a fit case for this Court to entertain the petition for quashing the proceedings.



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6. In spite of notice served to the defacto complainant, she neither appeared in person nor through her counsel.

7. The learned Government Advocate (Criminal Side) appearing for the first respondent produced the entire case diary before this Court.

8. This Court has considered the rival submissions and perused the materials available on record.

9. From the records, it is seen that there exists a dispute relating to the enjoyment of the common land. It is further seen that the said common land was locked by the de facto complainant on 27.02.2021. In order to gain access to his house, the petitioner removed the said lock. Apart from this, there are no material ingredients made out either in the FIR or in the statements recorded under Section 161 of Cr.P.C. to attract the offence of criminal intimidation as required under Section 506(i) of IPC, as well as the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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10. This Court finds that there are no material ingredients to constitute the alleged offence. The Hon'ble Supreme Court as well as this Court have held that, unless the essential ingredients of the offence are made out, an offence under Section 506(i) of IPC cannot be sustained. In the present case, this Court finds that there are no materials available on record to constitute the said offence. Apart from this, the learned counsel for the petitioner submitted that, due to the pending civil disputes between the parties, a false case has been registered against the petitioner. In view of the above circumstances, this Court is inclined to quash the proceedings.

11. The learned counsel appearing for the petitioner submitted that the petitioner has been regularly appearing before the Court since 2021. However, the complainant has not appeared before the Court in response to the summons/report, thereby affecting the petitioner's right to a speedy trial in its true letter and spirit. He further submitted that the petitioner is aged about 76 years and has been continuously appearing before the Court, and therefore his right to a fair and speedy trial must also be taken into consideration.



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12. In view of the above said facts, this Court is inclined to allow this Criminal Original Petition. Accordingly, this Criminal Original Petition stands allowed and the charge sheet in C.C.No.157 of 2022 on the file of the learned Judicial Magistrate No.IV, Tirunelveli is quashed. Consequently connected Miscellaneous Petition is closed.

03.03.2026

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

1. The Judicial Magistrate No.IV,
Tirunelveli.
2. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.K.RAMAKRISHNAN, J.

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Order made in
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