



CrI.O.P.No.16217 of 2024  
& CrI.M.P.Nos.9879 & 9248 of 2024

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**Dr.G.JAYACHANDRAN.J.**

The petitioner herein who is the Administrator of Isha Yoga Centre, is before this Court, aggrieved by registration of a complaint in Crime No.94 of 2024 by the 1<sup>st</sup> respondent police on the complaint given by one Mr.K.Ramakirutinan, a Politician by profession claims himself as General Secretary, Thanthai Periyar Dravidar Kalagam.

2. The content of the F.I.R indicates that, the complainant along with some of his organisation members on presumption that the petitioner organisation has encroached upon 44.3 acres of land allotted to Schedule Tribes and trying to put up electric crematorium, gone to the spot in a vehicle. Their vehicle was damaged and they were threatened with dire consequence.

3. Hence, complaint in Crime No.94 of 2024, registered for offence under Section 341, 506(1) of I.P.C read with Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992.



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4. The present petition is filed to quash the said complaint on the ground that the very foundation of the complaint that the petitioner's institution has encroached the land allotted to the Schedule Tribes persons is false and been made with malice.

5. The Learned Counsel appearing for the petitioner referring the information obtained from the Public Information Officer and Head Quarters Deputy Tahsildar under Right to Information Act, 2005 submitted that, 44.30 acres situated in S.F.Nos.1077/1B, 1080/1, 1081/1C2 and 1081/4A2 is not land encroached by Isha Yoga Foundation. Further, Learned Counsel states that the construction of the electric crematorium been done after due permission obtained from the authorities. In this connection, there is also a Writ Petition filed by the neighbouring land owners is pending in W.P.No.14353 of 2024.

6. Having failed to state the process of constructing electric crematorium for the public, the present complaint been filed with an ulterior design.

7. The Learned Counsel for the petitioner submitted that the



complainant and his party members had trespassed into the property of the Isha

Yoga Foundation on 14.06.2024 and caused damage to the property and threatened. However, when the complaint given to the police, they refused to register the case. Therefore, complaint through email was sent. After knowing about the complaint given against them, the present impugned complaint been lodged with false information and bereft of details.

8. This Court, on perusing the complaint finds that the reason for the defacto complainant visiting the property of the petitioner itself does not find any justification since the said 44.30 acres of land is not a land allotted to Schedule Tribes persons as per the information furnished by the office of the Tahsildar. Furthermore, in the complaint, there is no particulars about the vehicle in which they travelled and the nature of the damage caused to it. However, the police has registered the case for offence under Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992.

9. The complaint given by the petitioner herein for criminal trespass and for the other offence not been registered so far by the respondent police. In the said circumstances, there shall be an order of interim stay for filing final report in Crime No.94/2024 which is subject to the outcome of the



Criminal Original Petition.

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**10.** Notice to the 2<sup>nd</sup> respondent/defacto complainant returnable by 21.08.2024. Private notice is also permitted. Call the matter on 21.08.2024.

bsm

10.07.2024



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