



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 13-07-2026**

CORAM

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**CRL OP No. 22458 of 2023 & CRL OP NO. 31060 OF 2022**

**AND**

**CRL MP NO. 15656 OF 2023, CRL MP NO. 15657 OF 2023,  
CRL MP NO. 18981 OF 2022 & CRL MP NO. 18983 OF 2022**

**CRL OP No. 22458 of 2023**

1. Kamalam  
W/o. Rajan,  
No.1/67, Karavalli, Nadukombai Post,  
Sendhamangalam Taluk
2. Rakav  
S/o. Rajan,  
No.1/67, Karavalli, Nadukombai Post,  
Sendhamangalam Taluk

..Petitioner(s)

Vs

1. State Rep By  
Inspector Of Police,  
Sendamangalam Police Station,  
Namakkal District.  
Cr.No. 830/2020
2. Muniyappan  
S/o. Gopal,  
No.5/75, EBP Colony,  
Periyasemur Post, Erode.  
Now Residing At Valavanthikombai,  
Senthamangalam Taluk, Namakkal.

..Respondent(s)



**CRL OP No. 31060 of 2022**

**D.Rajan**  
S/o Duraisamy Goundar,  
No.1/67, Karavalli, Nadukombai Post,  
Sendhamangalam Taluk, Namakkal District

..Petitioner(s)

Vs

1. State Rep By  
Inspector Of Police,  
Sendamangalam Police Station, Namakkal  
District  
(crime No.830/2020)

2. Muniyappan  
S/o Gopal,  
No.5/75, EBP Colony,  
Periyasemoor Post, Erode District

Now Residing At  
Vanthikombai, Sendhamangalam Taluk,  
Namakkal District

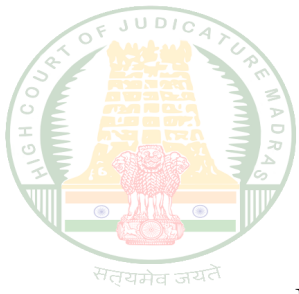
..Respondent(s)

**PRAYER IN CRL OP No. 22458 of 2023**

Criminal Original Petition filed under Sec.528 of B.N.S.S., praying to call for the records relating CC.No. 130/2022 on the file of the learned Judicial Magistrate, Sendamangalam and quash the same.

**PRAYER IN CRL OP No. 31060 of 2022**

Criminal Original Petition filed under Sec.528 of B.N.S.S., praying to call for the records relating CC No.130/2022 on the file of the learned judicial Magistrate, Sendamangalam and quash the same by allowing this criminal original petition



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**CRL OP No.22458 of 2023**

For Petitioner(s):

Mr.Mutharasu for  
Mr.C.Ramaraj

For Respondent(s):

Mr.R.Rajasekaran,  
Counsel for Government of Tamil Nadu  
(Criminal Side) For R1

Mr.N.Baskaran for  
Mr. R.Sathish Kumar For R2

**CRL OP No.31060 of 2022**

For Petitioner(s):

Mr.Rajarathinam  
Senior Advocate for  
Mr.T.Balaji

For Respondent(s):

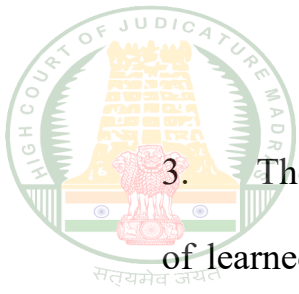
Mr.R.Rajasekaran,  
Counsel for Government of Tamil Nadu  
(Criminal Side) For R1

Mr.N.Baskaran for  
Mr. R.Sathish Kumar For R2

**COMMON ORDER**

1. These Criminal Original Petitions seek to quash the criminal proceedings in C.C.No. 130 of 2022 on the file of the Judicial Magistrate, Sendamangalam for alleged offences under Sections 294(b), 336 and 506(1) of I.P.C.

2. Both the Criminal Original Petitions are connected to each other and having filed by different accused in the same crime number, as such, these petitions are disposed of as common matter.

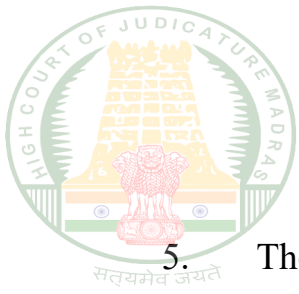


3. The prayer is to call for records relating to C.C.No.130 of 2022 on the file of learned Judicial Magistrate, Senthamangalam and to quash the same. Upon hearing the learned counsel on either side and perusing the records of the case, the following facts emerge :-

On 01.09.2020 on the complaint dated 22.08.2020 filed by the petitioner in Crl.O.P.No.31060 of 2022 viz., Rajan stating that he is the owner of land in Valavandhi village, Namakkal District and already a suit in OS. No.180 of 2020 is pending between the petitioner and the opposite party mentioned in the complaint. It is further alleged that while so on 22.08.2020 at about 08.00 a.m., one Muniappan and another person irrigating the land belonging to him and the petitioner confronted the said Muniappan, abused him in filthy language. One receipt No.179 of 2020 was issued in respect of the said complaint. While so, with reference to the same occurrence, on 22.08.2020 by stating that they were only irrigating the Cholan crop cultivated by them in their own land and at that time, the accused and his wife came there and threatened them in filthy language and also the accused picked up a stone and threw on the de facto complainant and the de facto complainant escaped, the case in Crime No. 830 of 2020 was registered on 02.09.2020 for the alleged offences under Sec.294(b), 336 and 506(ii) of I.P.C. It is seen that CSR Receipt granted in respect of the complaint was thereafter closed and no case was registered. As far as the Crime No.830 of 2020 is concerned, investigation was completed and final report was filed, which is taken on file in C.C.No.130 of 2022.



4. It is the contention of learned senior counsel for petitioner that the first allegation as per final report is that the accused abused the de facto complainant in filthy language. Considering that there is a land dispute, the offence under Sec.294(b) of I.P.C. should be held as trivial and this Court should interfere with the matter. The second charge is laid under Sec.336 of I.P.C., wherein it is stated that the accused threw stone in a dangerous manner and the third charge is laid under Sec.506(ii) of I.P.C., wherein the accused said to have threatened the de facto complainant. The learned senior counsel appearing on behalf of petitioner further submitted that when the civil suit is pending, it must be seen that a case of this nature is nothing but the civil dispute is being dressed up as criminal in nature and as such, this court should interfere in the matter. Further, the learned Senior Counsel would rely upon the Full Bench judgment of this court in ***T. Balaji vs State by Inspector of Police*** reported in ***2024 (5) CTC 1*** and contend that when the petitioners complaint with reference to the same incident has been closed at the petition stage, the result thereof should also be placed along with the final report in order to depict that the prosecution was fair. The learned senior counsel appearing on behalf of petitioner would also place reliance on ***Naushey Ali and others vs. State of U.P. and another in Crl. Appeal No. 660 of 2025 (@ SLP Criminal No.3432 of 2023)***, wherein the Honourable Supreme Court of India held that the High Courts, while exercising their powers under Section 482 of Cr.P.C., should take into consideration the Acts complained of in full.



5. The learned counsel appearing in the second criminal original petition would rely upon the judgement of the Honourable Supreme Court of India in ***Anukul Singh vs. State of Uttar Pradesh reported in 2025 SCC Online SC 2060***, more specifically relying upon paragraphs 5, 16 and 17 of the said judgment, would contend that this Court should interfere, as the dispute is predominantly civil in nature. The learned counsel would also produce the evidence that was recorded, whereby while the P.W.1 has deposed as per the complaint, PW.2 has mentioned that she is only a hearsay witness.

6. On a specific query made by this Court, the learned counsel appearing on behalf of petitioner would submit that when the civil suit is pending, they will not hereafter go near the land or involve in any quarrel and they will strictly abide by any interim/final order in the civil suit.

7. Per contra, learned counsel for Government of Tamil Nadu (Criminal Side) would submit that the case has been duly investigated and final report has been filed. When the alleged counter complaint is filed belatedly on 01.09.2020, no action was taken and no provision of law violated in the instant case.



8. The learned counsel appearing on behalf of the private respondent would submit that when the trial has been commenced and P.W.1 and 2 have been examined, these Criminal Original Petitions should not be entertained at this stage and this Court should not interfere with the matter.

9. I have considered the rival submissions made on either side and perused the material records of these cases.

10. Upon perusal of the materials, it can be seen that except for threatening, there is no injury for any of the parties in the instant case. The dispute is with reference to the land in question. As per the submissions made by learned counsel appearing for the private respondent, already a proper document is there for partition and they are in possession and enjoyment of the land and it is only the petitioners herein, who are unnecessarily picking up quarrels. As per the contention in this regard that, when the petitioners said to have filed a suit, it must be seen that there is no interim order passed in their favour. In view thereof, there was no business on the part of the petitioners to interfere with the cultivation that is being carried out. The answer given by the learned counsel for the petitioners that they will strictly abide the civil court order/decreed and the same is also recorded. In view thereof, finding that the entire episode is nothing but an embellishment/escalation of the civil suit that is pending and in the absence of injury to either side when the allegation of calling names by both the



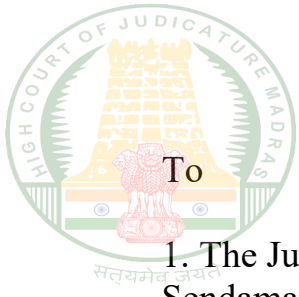
parties in a filthy language, considering the background of parties and made near the land in question and considering the social milieu, in which the parties are living, I am of the opinion that the allegations are trivial in nature.

11. Though normally, this Court will not interfere once the PW.1 is examined, considering the special nature of this case that the civil suit is also pending and considering the submissions made by the petitioners that they will not unnecessarily go near the land and pick up quarrel in future, I am of the view that prima facie, the proceedings in CC No.130 of 2022 shall stand quashed and as undertaken by them, the petitioners will only abide by the Civil Court's interim order and final decree and they will not unnecessarily pick up any quarrel in future or disturb the de facto complainant.

12. Accordingly, these Crl.O.P.Nos.22458 of 2023 and 31060 of 2022 are allowed. The criminal proceedings in CC No.130 of 2022 on the file of the Judicial Magistrate, Sendamangalam stands quashed. It is made clear that within 10 working days from today, affidavit, as undertaken before this court, shall also be filed before the trial court. Consequently, connected Criminal Miscellaneous Petitions are closed.

**13-07-2026**

Neutral Citation: Yes/No  
RPP



To

1. The Judicial Magistrate,  
Sendamangalam.

2. The Inspector of Police,  
Sendamangalam Police Station,  
Namakkal District.

3. The Public Prosecutor,  
High Court, Madras.

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CRL OP Nos. 22458 of 2023 & 31060 of 2



**D.BHARATHA CHAKRAVARTHY J.**

**RPP**

**CRL OP No. 22458 of 2023 & CRL OP NO. 31060 OF 2022,  
AND  
CRL MP NO. 15656 OF 2023,CRL MP NO. 15657 OF 2023,  
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