



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2015

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P. (MD)No.6862 of 2014

and

M.P. (MD)NOS.1 and 2 of 2014

1. G.Murugesan
2. M.Mayandi @ Karthick
3. M.Sathish @ Ramasamy
4. G.Vijayan @ Duraichamy ... Petitioners/Accused Nos.1to4

Vs.

1. State through  
The Inspector of Police,  
B5, South Gate Police Station,  
Madurai District.  
(Crime NO.1017 of 2011).

2. Pappammal ... Respondents/  
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the charge sheet in P.R.C.No.50 of 2012, dated 30.08.2011, pending before the learned Judicial Magistrate Court No.IV, Madurai in Crime NO.1017 of 2011, dated 06.07.2011, on the file of the respondent NO.1, under Sections 442, 506(ii), 380(NP) I.P.C. r/w 3(1) of TNPPDL Act 1992 r/w 34 I.P.C. and quash the same.

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Anbarasan

Government Advocate (Crl.Side)  
for R.1

: S.Muthukumar  
for R.2

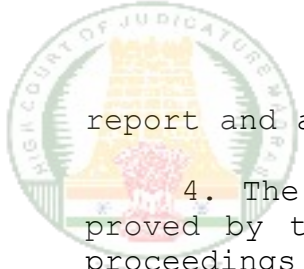
#### O R D E R

The petitioners are accused Nos.1 to 4 in Cr.No.1017 of 2011, for the alleged offences under Sections 442, 506(ii), 380(NP) I.P.C. r/w 3(1) of TNPPDL Act 1992 r/w 34 I.P.C. After filing of the final report, the case has been taken as P.R.C.No.50 of 2012 for committal before the learned Judicial Magistrate No.IV, Madurai. At this stage, this petition has been filed.

2. Heard the learned Counsel for the petitioners, the learned Government Advocate (Crl.Side) appearing for the first respondent and the learned Counsel for the second respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned Counsel for the petitioners submitted that the very complaint is motivated and contrary to the Revenue Divisional Officer's



report and a civil suit is also pending.

4. The alleged offence under Section 506(ii) I.P.C. will have to be proved by the prosecution. A mere pendency of the civil suit, nor the proceedings of the Revenue Divisional Officer initiated and concluded, cannot be termed as a ground to quash the proceedings. Hence, this Criminal Original Petition is dismissed. Consequently the connected Miscellaneous Petitions are also dismissed.

Sd/-  
Assistant Registrar(AE)

/True Copy/

Sub- Assistant Registrar

To

1. The Judicial Magistrate No.IV,  
Madurai.
2. -Do-Thro The Chief Judicial Magistrate, Madurai
3. The Inspector of Police  
B-5, South Gate Police Station,  
Madurai District.
4. The additional Public Prosecutor,  
Madurai Bench of Madras High court, Madurai.

+1cc to Mr.T.LajapathiRoy, Advocate in SR.No. 522720

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Cr1.O.P.(MD)No.6862 of 2014  
and  
M.P.(MD)NOS.1 and 2 of 2014  
29.04.2015