



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P.(MD)No.8081 of 2014 and

MP(MD)No.1 of 2014

1.K.Ilayaraja

2.K.Mangalanathan

.. Petitioners/Accused 1&2

.. Vs ..

1.The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.

2.V.Palani Yadhav

.. Respondents

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records and quash the charge sheet in STC No.88 of 2014 on the file of the learned Judicial Magistrate Court, Mudhukulathur.

For Petitioners : Mr.S.Karthick

For respondents : Mr.P.Kandasamy for R1

Government Advocate(Crl. Side)

No appearance for R2

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ORDER

The petitioners are accused in case pending trial in STC No.88 of 2014. Seeking to quash the said proceedings, the petitioners, who are accused of offences under Sections 323 and 506(i) IPC, are before this Court.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side). Though the de-facto complainant has been served, there is no representation on his behalf.

3.The learned counsel for the petitioners submits that the first petitioner, who is a Law Graduate, is suffering grave difficulty and due to the pendency of the case, is unable to enrol himself as an Advocate. The learned counsel for the petitioners submits that a false case stands foisted against these petitioners, who are brothers. Learned counsel informed that the de-facto complainant, who is the brother-in-law of the mother of the petitioners. Against wrongful dispossession of property, the



mother of the petitioners had caused a legal notice on 27.01.2013. The attempt to prevent wrongful action on the part of the de-facto complainant party lead to an occurrence, wherein, the petitioners' mother and one of the petitioners suffered injury and abuse. The petitioners' mother moved CrI.O.P.(MD) No.19030 of 2012, wherein, this Court had recorded the conduct of the petition enquiry and by order dated 17.04.2013 closed the said petition.

4. Angered by the petition moved against them, the second respondent/de-facto complainant party had resorting to use of slippers to beat the mother of the petitioners as also vulgarly abused her. In such incident, the 2nd petitioner also suffered injury to the head, he having been beaten with an iron rod. Regards such incident, a case has been registered in Crime No.5 of 2013 on the file of the 1st respondent for offences under Sections 294(b), 355, 323, 324 and 506(ii) of the Indian Penal Code. It is informed that thereupon investigation stands completed and pursuant to the filing of the charge sheet, the matter is pending trial. In the aforesaid circumstances, the learned counsel for the petitioners submits that the falsity of the complaint against the petitioners could be seen from the very fact that the de-facto complainant has not even informed the place of occurrence.

5. Allegation against all the petitioners is that of threatening the de-facto complainant and of doing away with him and his son, if his son drives a Tractor through the petitioners' street. On allegations of causing simple injuries to the de-facto complainant, the petitioners are arrayed as offenders.

6. Considering the attending facts and circumstances and the contentions, this Court would allow this petition.

7. Accordingly, the Criminal Original Petition is allowed and the case in STC No.88 of 2014 is hereby quashed. Consequently connected miscellaneous petition is closed.

Sd/-

Assisant Registerr(Writs)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Judicial Magistrate, Mudhukulathur.
 - 2.The Inspector of Police,
Sikkal Police Station, Ramanathapuram District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +One cc to Mr.S.Karthick, Advocate, SR.No.4088

RR