



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2016

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Criminal Original Petition (MD) No.2193 of 2016
and
CRL.M.P. (MD) Nos.1104 & 1105 of 2016

Swaminathan

... Petitioner

vs.

1.The Inspector of Police
TMCH Police Station
Thanjavur District
(Crime No.139 of 2015)

2.C.M.Saravanan

... Respondents

PRAYER: This petition is preferred under Section 482 Cr.P.C., to call for the records in P.R.C.No.29 of 2015, dated 13.08.2015, on the file of the learned Judicial Magistrate No.II, Thanjavur, and quash the same as against the petitioner herein.

For Petitioner : Mr.G.Karnan

For Respondents : Mr.C.Mayil Vahana Rajendran

Addl. Public Prosecutor for R1

O R D E R

The petitioner has filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, to quash the proceedings, in P.R.C.No.29 of 2015, as against him, pending on the file of the learned Judicial Magistrate No.II, Thanjavur.

2. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the first respondent and perused the materials placed on record.

3. It is the case of the prosecution that the petitioner had formed an unlawful assembly and caused damages to the property of the third respondent / *de facto* complainant to the tune of Rs.2,00,000/-.

4.The learned counsel for the petitioner has submitted that the property in question is owned by the petitioner and not by the third respondent / *de facto* complainant. The *de facto* complainant, in his 161 Cr.P.C., statement, has stated that he has purchased the property in question from one Mr.Murugesan and he is in enjoyment of the said property.



5. In an application filed, under Section 482 Cr.P.C., seeking quash of proceedings, disputed question of facts cannot be decided.

6. Therefore, this criminal original petition is dismissed with liberty to the petitioner to raise all the points available to him before the Trial Court. Consequently, connected criminal miscellaneous petitions are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate No.II,
Thanjavur.

2.The Inspector of Police,
TMCH Police Station, Thanjavur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.G.Karnan, Advocate, SR.No.7555

krk

RL/5C/GSV/AN/24/2/2016

Cr1.O.P(MD).No.2193 of 2016
08/02/2016