

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.03.2017
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.Nos.4575 and 4576 of 2017
and
Crl.M.P.Nos.3446 and 3447 of 2017

Thangamuthu

...Petitioner in both Crl.OPs.

Vs

1.Paneerselvam,
2.Jayaprakash
3.Sankaran @ Sangan

....Respondents
(in Crl.OP.4575/2017)

1.Sivakumar
Inspector of Police,
Dharapuram Police Station, Tiruppur District.

2.Sundarrajan,
Special Sub-Inspector of Police,
Alangiyam Police Station, Tiruppur District.

....Respondents
(in Crl.OP.4576/2017)

Petitions filed under Section 482 of the Criminal Procedure Code, to set aside the order passed in C.M.P. Nos.308 of 2014 and 6149 of 2013 in C.C.No.188 of 2013 on the file of the Court of Judicial Magistrate, Dharapuram dated 15.02.2017.

For Petitioner : Mr.S.Doraisamy
(in both petitions)
For Respondents : Mr.A.K.Sridharan
(in Crl.O.P.4575/2017
& R2 in Crl.O.P.4576/2017)
For R1 : Mr.C.Emalias, APP.
(in Crl.O.P.4576/2017)
ORDER

These Criminal Original Petitions have been filed to set aside the order dated 15.02.2017 passed by the learned Judicial Magistrate, Dharapuram in C.M.P.Nos.308 of 2014 and 6149 of 2013 in C.C.No.188 of 2013.

2. The case of the petitioner is that there is a pathway

dispute between the petitioner on one hand and C.P.Chinnasamy (A1), Chandrasekaran (A2), Sivaraaj (A3), Govindaraj (A4), and Eswaran (A5) on the other hand. In order to settle the dispute, the petitioner had filed the civil suits and writ petitions and the same are pending adjudication. On 06.04.2013, without any notice, the respondents herein trespassed into the petitioner's land and damaged the fencing, trees and bore well pipes with JCP Machine. The petitioner and his sons were kept in illegal custody till 07.04.2013 and a false case was foisted against the petitioner in Crime No.67 of 2013 for the offences punishable under Sections 341, 323 and 506(ii) IPC and he was remanded to Judicial Custody. Hence, he filed a private complaint under Section 200 Cr.P.C, which was taken on file as C.C.No.188 of 2013 by the learned Judicial Magistrate, Dharapuram, whereas, the respondents herein filed petitions under Section 205 Cr.P.C in C.M.P.Nos.308 of 2014 and 6149 of 2013 to dispense with their personal appearance before the lower Court. The said petitions were allowed by an order dated 15.02.2017, against which, the petitioner has filed the present petitions.

3. Though the learned counsel appearing for both the parties raised their respective submissions for and against the claim made herein, they ultimately submitted that it would suffice, if a direction is given to the learned Judicial Magistrate, Dharapuram to dispose of the case in C.C.No.188 of 2013 pending on his file within the time stipulated by this Court.

4. In view of the submission so made by the learned counsel appearing for both the parties, this Court directs the learned Judicial Magistrate, Dharapuram to dispose of the proceedings in C.C.No.188 of 2013 on merits and in accordance with law, after conducting the case on day-to-day basis and after providing reasonable opportunity to both the parties to raise their respective contentions. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. Both the Criminal Original Petitions are disposed of accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KMI

To

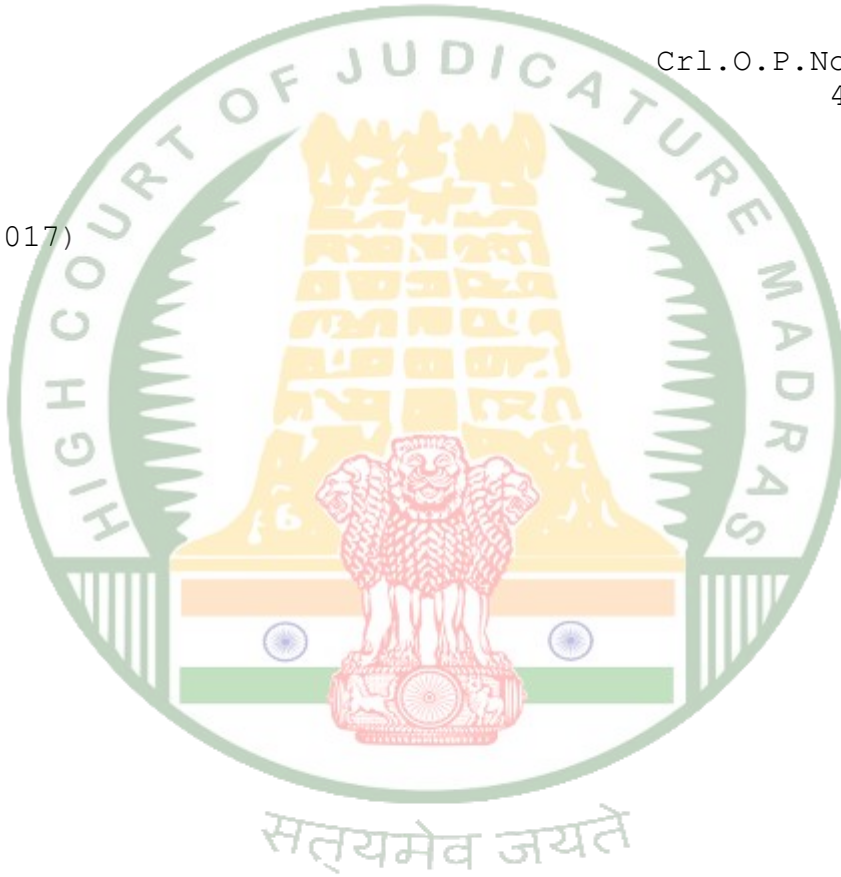
1. The Judicial Magistrate,
Dharapuram.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Doraisamy, Advocate, S.R.No.17877

CrI.O.P.Nos.4575 and
4576 of 2017

KJI (CO)
RS (28/03/2017)



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