



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD)No.10616 of 2017 and
CRL.M.P. (MD)Nos.7276 & 7277 of 2017

1.Shanmugasundaram
2.Backiyaraj
3.Vallisankar
4.Nallasivan

... Petitioners/Accused No.1 to 4

-Vs-

State rep by its,
1.The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
(In Crime No.32 of 2015)

... Respondent/Complainant

2.Natchiyar

... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for records relating to the private complaint in C.C.No.349 of 2015 on the file of the District Munsif cum Judicial Magistrate Court, Cheranmahadevi, Tirunelveli and to quash the same.

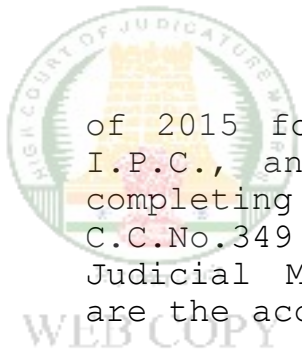
For Petitioners : Mr.K.Sureshkumar
For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl.Side).

O R D E R

This Criminal Original petition is filed for quashing the private complaint in C.C.No.349 of 2015 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the first respondent.

3. On the basis of the complaint lodged by the second respondent/defacto complainant, a case was registered in Crime No.32



of 2015 for the offences under Sections 294(b), 452, 323, 506(i) I.P.C., and Section 4 of Tamil Nadu Woman Harassment Act. After completing the investigation, the case was taken on file in C.C.No.349 of 2015 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli. The petitioners are the accused Nos.1 to 4 in the above criminal case.

4. It is case of the petitioners that the first petitioner paid some money to the second respondent towards advance for taking a property of the second respondent(a shop) on lease. However, as per the lease agreement, the second respondent did not hand over the possession to the first petitioner. The second respondent neither repaid the money nor handed over the possession. It was in these circumstances, there was some quarrel. It is stated by the learned counsel for the petitioners that the second respondent gave a complaint against the petitioners just to prevent the first petitioner from getting his money back.

5. The criminal complaint clearly discloses the commission of cognizable offence. The Charge Sheet filed by the first respondent is based on the statement obtained from various persons about the incident and on the basis of the statement of the defacto complainant. Charge Sheet was filed after an investigation conducted by the first respondent. The version of the petitioners with regard to the incident are all matters of evidence which cannot be decided at this stage. Absolutely, no material or any other circumstance is pointed out to indicate that the Charge Sheet is nothing but an abuse of process of law.

6. The learned counsel for the petitioners of-course pointed out that the statement obtained from two of witnesses is different and it was to the effect that the first petitioner was in possession of the shop doing business and that the second respondent forcibly evicted the first petitioner. This version is also contrary to the petitioners' case even in the present petition.

7. Having regard to the overall circumstances, this Court is not inclined to entertain this petition. Hence, the Criminal Original petition is dismissed. However, the learned counsel for the petitioners requested to dispense with the personal appearance of the petitioner. Having regard to the nature of the allegations and the charges framed, the personal appearance of the petitioners is dispensed with, unless or otherwise it is specifically required by an order of the Court. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/



To

1. The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

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

+ 1 CC TO Mr.K.SURESH KUMAR, ADVOCATE IN SR No. 72450

PMU

TE/JC/SAR-I : 01/09/2017 : 3P/4C

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