



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Cr1.O.P.(MD) No.11992 of 2017
and

CRL.M.P.(MD).Nos.8250 & 8251 of 2017

1.Kadarkarai
2.Solaiappan Nadar
3.Rajammal

: Petitioners / Accused 1 to 3

-vs-

P.Prabhavathi

: Respondent / Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.123 of 2017 on the file of the learned Judicial Magistrate, Aruppukottai and quash the same.

For Petitioners : Mr.K.Vinayagan

O R D E R

This petition is filed to quash the proceedings in C.C.No.123 of 2017, on the file of the learned Judicial Magistrate, Aruppukottai. The respondent has given a private complaint for the offences under Sections 294(b), 355, 323, 448 and 506(ii) of IPC for the occurrence taken place on 15.09.2016.

2.It is stated that the respondent's brother gave one shop to her towards her share and that the dispute is regarding the ownership over the said shop between the petitioners and the complainant. It appears from the complaint that the petitioners have made an attempt to forcibly evict the respondent from the shop. The respondent states that she has filed a suit in O.S.No.86 of 2016, on the file of the learned Sub Court, Aruppukottai and that the petitioners tried to evict her forcibly on 15.09.2016 by dragging the respondent out.

3.Since the complaint discloses cognizable offences, this Court is not in a position to interfere on the basis of the factual contentions of the petitioners. It is true that as regards the property the dispute is civil in nature. However, the allegations found in the complaint cannot be ignored and this Court should only decide this petition on the basis of the averments found in the complaint and not on the basis of explanations made by the petitioner. Hence, this Criminal Original Petition is dismissed.



Considering the facts and circumstances of the case, this Court is inclined to dispense with the personal appearance of the petitioners, unless and until their presence is specifically required by an order of Court. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar.

To

1.The Judicial Magistrate,
Aruppukottai.

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

+1cc to Mr.K.Vinayagan, Advocate, Sr.No.30486

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AM/KP/SAR 2/22.09.2017/2P/4C