



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CRL.O.P. (MD) No.9821 of 2016

and

Crl.M.P. (MD) Nos.4943 and 4944 of 2016

1. Kesavan

2. Kamaraj

... Petitioners

Vs

1. State represented by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
(Crime No.146 of 2014)

2. Panneerselvam

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records relating to P.R.C.No.33 of 2014, pending on the file of the learned Judicial Magistrate, Pattukkottai and quash the same.

For Petitioners : Mr.S.Dheenadhayalan

For R1 : Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.side)

For R2 : Mr.D.R.Murugesan

O R D E R

This petition has been filed to quash the final report pending in P.R.C.No.33 of 2014.

2.The learned counsel for the petitioners would submit that final report has been filed for an offence under Sections 448, 294 (b), 506 (ii) of I.P.C r/w Section 3 of the TNPPDL Act.

3.The learned counsel for the petitioners would further submit that the property in question actually belong to the petitioners and the same was established during the enquiry before the Revenue Divisional Officer. Therefore, there is no question of the petitioners committing trespass into the property. Similarly, since the boundary stones are within the property of the petitioners land, there is no question of the petitioners committing the destruction of the public property.

4.The learned counsel for the petitioners would further submit that it leaves with only two offences against the petitioners under Sections 294(b) and 506(ii) I.P.C. The learned counsel for the petitioners would submit that a civil dispute is attempted to be given a criminal color in this case. The P.R.C is of the year 2014



and it continues to be pending before the Committal Court, even today.

5. This Court is of the considered view that all the grounds that have been raised by the petitioners before this Court will be considered by the trial Court on its own merits. This Court does not want to quash the proceedings at this stage. Accordingly, this criminal original petition is disposed of with a direction to the learned Judicial Magistrate, Pattukottai, Thanjavur District to commit P.R.C.No.33 of 2014 within a period of two weeks from the date of receipt of a copy of this order to the appropriate Court. The appropriate Court shall take up the case immediately and complete the entire proceedings within a period of four months from the date on which the case is committed.

6. As the first petitioner is aged more than 70 years and the second petitioner is more than 50 years, the presence of the petitioners shall be dispensed with on condition that they shall be present for answering the charges, at the time of questioning them under Section 313 of Cr.P.C and at the time of passing the judgment. Further, the counsel who represents the petitioners shall cross examine the witnesses on the very same day, when the witnesses are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners are directed to give an undertaking in the form of the affidavit to that effect. Consequently, CrI.M.P.(MD)Nos.4943 and 4944 of 2016 are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Judicial Magistrate, Pattukkottai.
2. The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Dheenadhayalan, Advocate Sr.No.86067

+1cc to Mr.D.R.Murugesan, Advocate Sr.No.85423

RMI

VB/PM/SAR4/10.12.2018/2P/6C