



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Cr1.O.P. (MD) No.13182 of 2013

and

M.P. (MD) Nos. 1 & 2 of 2013

1.Jeyakodi
2.Jeyakumar
3.Deepa

... Petitioners/ Accused

Vs.

K.Thamburaj

...Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.348 of 2012 on the file of the learned Judicial Magistrate, Nilakottai and to quash the same as illegal.

For Petitioners : Mr.M.Sheik Abdullah
For Respondent : Mr.C.Ganesh Kumar

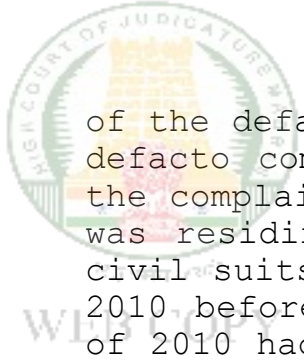
O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.348 of 2012 on the file of the learned Judicial Magistrate, Nilakottai and to quash the same as illegal.

2.The petitioners herein are the accused in C.C.No.348 of 2012 on the file of the learned Judicial Magistrate, Nilakottai. They filed this application to call for the records relating to the above said case and to quash the same as illegal. The said case has been registered, based on the complaint given by the respondent herein.

3.The case of the respondent is as follows;

The respondent herein is the agriculturist and residing in Ayyampalaym Village, Athur Taluk, Dindigul District. The first and second petitioners and one Soundar @Srinivasa Soundar, who is the son of the first petitioner had availed a sum of Rs.17,00,000/- (Rupees Seventeen Lakhs only) from the complainant/respondent, by way of executing cheques and pro-notes. Thereafter, during the time of repayment, the dispute was arose between the petitioners and the complainant/respondent, due to which, the petitioners had unlawfully entered into the house of the complainant/respondent and threatened him with dire consequences. Further, the petitioners had stolen away the house hold articles and certificates, pertaining to the daughter



of the defacto complainant, which were all kept in the bureau of the defacto complainant. Further, the petitioners had trying to vacate the complainant/respondent from the house, in which, the complainant was residing. Thereafter, the complainant/respondent had filed the civil suits against the petitioners herein in O.S.Nos.94 and 107 of 2010 before the District Munsif Court, Nilakottai and R.C.O.P.No.1 of 2010 had been filed before the Sub Court, Nilakottai against the petitioners. As of now, the case in C.C.No.348 of 2012 is pending before the learned Judicial Magistrate, Nilakkottai, without any progress. Now, on going through the averments made in the complaint presented before the learned Judicial Magistrate, Nilakkottai, are all factual aspects.

4.The learned counsel appearing for the petitioners does not produce any prima facie to show that there is a abuse of process of law. So, the genuineness of the allegations levelled against the petitioners have to be identified only by way of recording the evidence from the witnesses concerned. Therefore, without completing the trial, it cannot be held that the allegations levelled by the complainant/respondent are false one and the grounds raised by the petitioners are not at all relevant for quashing the case.

5.Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Nilakkottai.

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

+1cc to M/S.C.Ganesh Kumar, Advocate SR.No. 53052

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msa

JM/SKN RSK/SAR 1/06.04.2018/2P/4C

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