

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 6213 of 2018

and Crl.M.P.No.3126 of 2018

1. P.A.Anbarasan
2. Vivek
3. B.Murali Shankar

... Petitioners

Vs.

1. The State rep by
The Inspector of Police,
Pappireddipatty Police Station,
Dharmapuri District.
(Crime No.75 of 2016)

2. Padmavathi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in C.C.No.101 of 2016 on the file of the learned Judicial Magistrate, Pappireddipatty, Dharmapuri District and quash the same as illegal.

For Petitioner : Mr.Singaravelan, Senior Counsel
For Mr.R.Sankarasubbu

For Respondents
For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2 : No appearance

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O R D E R

This petition has been filed to quash the proceedings in C.C.No.101 of 2016 on the file of the learned Judicial Magistrate, Pappireddipatty, Dharmapuri District.

2. It is seen that the petitioners are tenants and the second respondent is the landlord. Admittedly, there is a landlord and tenant disputed, ultimately culminating in the

present proceedings in C.C.No.101 of 2016, thereby taken cognizance for the offence under Sections 294(b), 323, 506(i) of IPC. On perusal of the records, it shows that the first petitioner is the tenant under the second respondent and second and third petitioners are the sons of the first petitioner, and they are the students at the time of occurrence. The wife of the first petitioner filed a petition before the District Munsif Court, Pappireddipatty for depositing the rent. Therefore, the second respondent came along with rowdy elements and try to vacate the petitioners, for which, the petitioners lodged a complaint before the first respondent police and the same was registered in Crime No.76 of 2016. Therefore, in order to counter blast, the second respondent lodged the present complaint, in which the first respondent conducted enquiry and filed final report and the same has been taken cognizance in C.C.No101 of 2016 by the learned Judicial Magistrate, Pappireddipatty, Dharmapuri.

3. It is also seen from the charge sheet, the entire allegations are simple and trivial in nature. There is no chance for conviction, since the allegations are vague and bald and no specific overtact as against the petitioners. As such to meet the ends of justice, this Court is inclined to quash the proceedings.

4. Accordingly, this Criminal Original Petition stands allowed and the proceedings in C.C.No.101 of 2016 on the file of the learned Judicial Magistrate, Pappireddipatty, Dharmapuri District is hereby quashed. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

rts/raja

To

1. The Judicial Magistrate,
Pappireddipatty,
Dharmapuri District.
2. The Inspector of Police,
Pappireddipatty Police Station,
Dharmapuri District.

3. The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc Mr.R.Sankarasubbu, Advocate sr.no.24119

CRL.O.P.No. 6213 of 2018
and CrI.M.P.No.3126 of 2018

spd(co)
nr 24/04/2019



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