



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2019**

CORAM

THE HONOURABLE MR. JUSTICE **N.SESHASAYEE**

WEB COPY

**Crl.O.P. (MD) No.3505 of 2019
and Crl.M.P.Nos.2001 & 2002 of 2019**

1. Velayutham

2. Mayandi

... Petitioners/A1 & A2

Vs.

1. The Assistant Commissioner,

Law and Order

Palayamkottai Sub-Division,

Tirunelveli, (Crime No.292/2016)

..1st Respondent/Complainant

2. M.Veilumuthu

... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records from the learned Judicial Magistrate No.V, Tirunelveli in P.R.C.No.90 of 2016 and quash the same as it has no prima facie case against the petitioners.

For Petitioners : Mr.Ananth C.Rajesh

For R-1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

The present petition is filed to quash the proceeding in P.R.C.No.90 of 2016 dated 11.10.2018 on the file of the learned Judicial Magistrate No.V, Tirunelveli.

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

3.The learned counsel for the petitioners submitted that there are civil disputes between the parties which have let the petitioners to file O.S.No.41 of 2016 in which he has obtained an order of interim injunction to protect his peaceful possession against the defacto complainant, that the defacto complainant himself has opposed and assaulted the present petitioner, owing to which, the case in Crime No.292 of 2016 is filed against them and the present case in Crime No.293 of 2016 is response to the petitioner obtaining the order of injunction against him.

4.*Prima facie*, this Court finds that pending civil dispute even though it might have provided the circumstances for the commission of offence yet offence *per se* cannot be considered as



one with dominant civil overtone.

5. On going through the statements of the witnesses, this Court does find that there are materials to support very many charges against the accused person. Therefore, this Court does not find merit in this petition and the same is dismissed. Consequently, connected Crl.M.P.Nos.2001 & 2002 of 2019 are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

CM

To

1. The Judicial Magistrate No.V, Tirunelveli.

2. The Assistant Commissioner,
Law and Order Palayamkottai Sub-Division,
Tirunelveli,

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

+1CC TO MR.ANANTH C.RAJESH, Advocate Sr. No.52678

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TR (03.04.2019) 2P 5C