



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.13694 of 2015

and

MP(MD)Nos.1 and 2 of 2015

WEB COPY

1.Kuppusamy
2.Muthumalini
3.V.Karthikeyan

... Petitioners /Accused Nos.1 to 3

Vs.

Srimadhura

... Respondent / Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records quashing the private complaint filed by the respondent against the petitioners in C.C No.558 of 2012, pending on the file of the Judicial Magistrate Court, Palani insofar as the petitioners concerned.

For Petitioners	: Mr.S.Anand Chandrasekar for M/s.Sarvabhauman Associates
For Respondent	: Mr.M.Saravanan

ORDER

The petitioners are facing trial in C.C No.558 of 2012 on the file of the Judicial Magistrate Court, Palani. It is a private complaint instituted by the respondent herein. The case of the respondent is that she is owning lands in S.Nos.85/1 and 85/2 of Puliampatti Village, Palani Taluk. The total extent of lands comprised in these two survey numbers belonging to the complainant would come to 4.20 acres. The lands owned by the second petitioner are located adjacent to the respondent's lands. The second petitioner is also having lands in Survey No.85/2 at Puliampatti Village, Palani Taluk measuring about 3.70 acres. It is seen that there is a civil dispute between the second petitioner on the one hand and the respondent on the other. That had given rise to the occurrence in question.

2.According to the complainant, on 11.06.2012 at about 09.30 A.M, the accused trespassed into the lands of the complainant and forcibly took her away in the police vehicle and also attempted to demolish the compound wall of the complainant. The complainant would further claim that the complaint given by her was not acted upon by the local police. That led to the filing of the impugned private complaint. Cognizance of the offences was taken under Sections 294(b), 147, 447, 427 r/w. 109 and 506 of the Cr.P.C. and the case was taken on file in C.C No.558 of 2012 on



the file of the Judicial Magistrate Court, Palani. To quash the same, this criminal original petition has been filed.

3.The learned counsel for the petitioners on getting instructions from the petitioners, categorically stated that the petitioners do not have any claim beyond and over and above 3.70 acres in Survey No.85/2. The petitioners also ready to compensate the complainant for the damage caused to the compound wall. The petitioners' counsel states that he will hand over a Demand Draft for a sum of Rs.5,000/- favoring the respondent to the counsel appearing for the respondent before this Court. It shall be done within a period of one week from the date of receipt of a copy of this order. It is not the case of the respondent that she has suffered any injury during the occurrence in question. Since the civil rights of the respondent have been accepted by the petitioners herein, I am of the view that continuation of the impugned prosecution is not going to serve any purpose. The object and purpose of Section 482 of Cr.PC is to uphold justice and undo wrong. In this case, the wrong done to the complainant has been substantially redressed in this criminal original petition. Therefore, I quash the impugned proceedings as a whole. This criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skm

To

The Judicial Magistrate Court, Palani, Dindigul District.

+1 CC to MR.M.SARAVANAN, Advocate (SR-100428[F] dated 22/11/2019)

+1 CC to MR.SARVABHAUMAN ASSOCIATES, Advocate (SR-100613[F] dated 22/11/2019)

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