



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.09.2019
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl OP(MD)No.2249 of 2015
and
MP(MD)No.1 of 2015

Vijayan ... Petitioner / Accused No.1
Vs.
1.The State,
Rep.by the Inspector of Police,
District Crime Branch,
Dindigul District, Dindigul. ... 1st Respondent / Complainant
2.Eswaramoorthy ... 2nd Respondent / Defacto
complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet in C.C No.276 of 2013 on the file of the Judicial Magistrate No.II, Dindigul and quash the same with regard to the petitioner.

For Petitioner : Mr.Veera.Kathiravan, Senior Counsel
for Mr.K.R.Badurus Zaman
For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1
Mr.Arun Swaminathan for R2

ORDER

The petitioner herein is facing trial in C.C No.276 of 2013 on the file of the Judicial Magistrate No.II, Dindigul for the offences under Sections 147, 447, 294(b) and 506(i) IPC. The second respondent herein is the defacto complainant. The case of the defacto complainant is that the property in question belonged to one Valliyammal, the mother of the defacto complainant herein. On 24.11.2010, she sold the same to one Balasubramanian. On behalf of Balasubramanian, the defacto complainant has been managing the lands and also residing in the house comprised in Survey No.634/2C in Vadamadurai Village Group, Dindigul District. The case of the defacto complainant is that A2 to A6 demanded that Balasubramanian should sell the property in favour of A1. Therefore, on 12.08.2011, the accused trespassed into the land in question and also threatened the defacto complainant and also Balasubramanian. This led to the registration of Cr.No.48 of 2011 on the file of the District Crime Branch, Dindigul. Final report has been filed and cognizance of the



offence was also taken in C.C No.276 of 2013 on the file of the Judicial Magistrate No.II, Dindigul. To quash the same, A1 has filed this petition.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent and the counsel for the defacto complainant.

3.The petitioner has filed an affidavit before this Court undertaking that he has no claim on the lands in Survey Nos.634/2A, 634/2B and 634/2C, Vadamadurai Village, Vedasandoor Taluk, Dindigul District and he has no intention to purchase the said property also. He states that there is some dispute between A2 to A6 on the one hand and the defacto complainant on the other and that he does not want to be caught in the cross-fire. The allegations made against the petitioner are omnibus in nature and since the petitioner has filed an affidavit of undertaking before this Court, I am of the view that the continuation of the impugned proceedings as against the petitioner would only amount to an abuse of legal process. Quashing the impugned proceedings as far as the petitioner is concerned alone would serve the ends of justice. Therefore, the impugned proceedings stand quashed as far as the petitioner herein is concerned. It is made clear that the proceedings will go on against the remaining accused. Since the c.c is of the year 2013, the court below is directed to conclude the trial on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

4.This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Inspector of Police, District Crime Branch,
Dindigul District, Dindigul.
2. The Judicial Magistrate No.II, Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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+1 CC to Mr.K.R.BADURUS ZAMAN, Advocate (SR-90511[F] dated
30/09/2019)

Crl OP(MD)No.2249 of 2015

and

MP (MD) No.1 of 2015

30.09.2019

SKM

MK (17.10.2019) 3P 5C