



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD) No.4777 of 2015 and

M.P (MD) No.1 of 2015

WEB COPY

1. Sethukkarasi
2. A.Thiyagarajan
3. T.Subramaniyan

... Petitioners/Accused

Vs.

A.Sahul Hameed

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records and quash the complaint in C.C.No.86 of 2014 pending on the file of the Judicial Magistrate No.II, Tiruchirappalli, by exercising the inherent powers under Section 482 of the Criminal Procedure Code.

For Petitioners : Mr.K.S.Sankhar Murali

For Respondent : Mr.S.Deenadhayan

O R D E R

The third petitioner herein, namely, Thiru.T.Subramaniyan is the landlord of the respondent herein. The landlord Thiru.T.Subramaniyan is none other than the father of the respondent herein. They are said to be in occupation of about 800 Sq.ft. of land which is forming part of a larger extent of land.

2. It is not in dispute that the third petitioner herein filed R.C.O.P.Nos.137 and 138 of 2011 before the I Additional District Munsif, Trichy. The eviction proceedings are still pending. In the meanwhile, both the parties have lodged criminal cases against each other. At the instance of the petitioners herein, Crime No.1436 of 2011 was registered on the file of the Cantonment police station. Final report was filed in the said case and it is now pending in C.C.No.244 of 2011 on the file of the Judicial Magistrate No.II, Thiruchirappalli. Likewise the respondent gave a criminal case against the petitioners herein. But it was not registered. Therefore the impugned private complaint was instituted by the respondent herein and the same was taken on file in C.C.No.86 of 2014 on the file of the Judicial Magistrate No.II, Thiruchirappalli.

3. On going through the materials on record, I come to the conclusion that the civil dispute between the petitioners herein and



the respondent has been given a criminal colour by both the parties. I therefore suggested that both the cases can be given a closure.

4. The learned counsel on either side after getting instructions from their clients submitted that both the cases can be quashed and that they would abide by the outcome of the Rent Control proceedings and other civil proceedings.

5. Recording the said submission made by the learned counsel on either side, based on the instructions to secure the ends of justice, I quash not only the proceedings in C.C.No.86 of 2014, but also C.C.No.244 of 2011 pending on the file of the Judicial Magistrate No.II, Thiruchirappalli.

6. This Criminal Original petition stands allowed on these terms. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate No.II,
Tiruchirappalli.

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

+1 CC to M/s.K.S. SANKAR MURALI, Advocate (SR-90644[F] dated 01/10/2019)

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AVS(CO)

TR(27.01.2020) 2P 4C