



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

CRL OP(MD) . No.8056 of 2015

and

MP(MD)Nos.1 and 2 of 2015

Asiq Ali

... Petitioner/Accused

Vs

1.State Through by

The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

(Crime No.313 of 2014)

... 1st Respondent/Complainant

2.Syed Ibrahim

... 2nd Respondent/ De-facto Complainant

Prayer:Criminal Original Petition filed under Section 482 of the Cr.P.C. to call for the records in C.C.No.17 of 2015, on the file of the learned Judicial Magistrate, Ilayangudi and quash the same.

For Petitioner : No Appearance

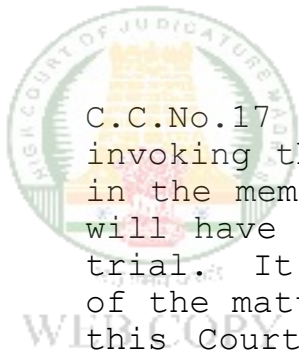
For Respondents : Mr.A.Robinson
Government Advocate (Crl. side)
(for R-1)

Mr.A.Mohamed Yusuf (for R-2)

ORDER

The petitioner is facing trial in C.C.No.17 of 2015, on the file of the learned Judicial Magistrate, Ilayangudi. To quash the same, this Criminal Original Petition has been filed.

2.I went through the contents of the final report and the statement recorded under Section 161 of Cr.P.C. It is seen that the petitioner is having a poultry farm. The grievance of the de-facto complainant is that the poultry grown by the petitioner has been dirtying the campus of the de-facto complainant. In this regard, the dispute arose between the petitioner on the one hand and the de-facto complainant's family and the other. On 04.12.2014, at about 7.00 a.m., the petitioner is said to have conducted himself in such a manner as to attract the offences under Sections 294(b) and 506(i) of IPC and Section 4 of TNPHW Act 2002. In this regard, Crime No.313 of 2014 was registered on the file of the Ilayangudi police Station. Investigation was conducted and final report was filed. Cognizance of the offences was taken. The case was taken on file in



C.C.No.17 of 2015. The petitioner has not made out any case for invoking the inherent powers of this Court. The contentions raised in the memorandum of grounds are factual in nature. The petitioner will have to necessarily establish his innocence only in a regular trial. It is not a case for quashing the proceedings. In this view of the matter, this petition stands dismissed. It is made clear that this Court has not gone into the merits of the matter. All the defences available to the petitioner are left open. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

sjj

To

- 1.The Judicial Magistrate, Ilayangudi.
- 2.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KK/SAR/17.12.2019/2P-4C/