



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.11685 of 2017

and

CRL.M.P(MD)Nos.8039 and 8040 of 2017

Revathi .. Petitioner/Sole Accused

Vs.

Indra .. Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in S.T.C.No.721 of 2017 on the file of the Judicial Magistrate No.II, Kovilpatti, Thoothukudi District and quash the same.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.S.Pon Senthil Kumaran

ORDER

This Criminal Original Petition has been filed seeking to quash the S.T.C.No.721 of 2017 on the file of the Judicial Magistrate No.II, Kovilpatti, Thoothukudi District.

2.It is seen from records that the private complaint has been filed by the respondent against the petitioner on the ground that the act committed by the petitioner is in violation of the Protection from Harassment Act and the Criminal Justice and Police Act 2001. It has been given on the ground that there was a Mango tree which was causing nuisance to the house of the respondent and the same had to be removed.

3.Heard the learned counsel for the petitioner and the respondent.

4.The enactments that have been cited in the private complaint do not pertain to this Country and these are enactments which are in force in United Kingdom. The Court below did not even apply its mind with regard to the enactments in question and it has mechanically taken cognizance of the complaint. The complaint is not maintainable, since what is sought to be projected as an offence, arises from enactments which are in force in U.K. and not in India. Therefore, the continuation of the proceedings in this



case will amount to an abuse of process of Court and therefore, it requires the interference of this Court in exercise of its jurisdiction under Section 482 of IPC.

5.In the result, the proceedings in S.T.C.No.721 of 2017 on the file of the Judicial Magistrate No.II, Kovilpatti, Thoothukudi District, is hereby quashed and accordingly this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed. If at all the respondent has any grievance, she has to workout her remedy in the manner known to law.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

TM

To

The Judicial Magistrate No.II, Kovilpatti, Thoothukudi District.

+1 CC to M/s.S.RAMASAMY, Advocate (SR-94769[F] dated 25/10/2019)

CRL.O.P (MD) No.11685 of 2017

24.10.2019

KK/SAR/14.11.2019/2P-3C/