

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.25265 of 2013
and
MP Nos.1 & 2 of 2013

- 1.Palaniammal
Sub Inspector of Police.
- 2.Selvambal,
Police Constable.
- 3.M.Umamaheswari
Police Constable.
- 4.R.Malarkodi,
Police Constable.
- 5.Ramasusbramaniam
Village Adminstrative Officer. Petitioners/A1 to A5

vs.

Maheswari ...Respondent/Complainant

Prayer: This Criminal Original filed under Section 482 of the Code of Criminal Procedure, to call for records relating to the criminal case in C.C.No.140 of 2012 on the file of the learned District Munsif cum Judicial Magistrate, Kodumudi quash the same by allowing this Criminal Original Petition.

For Petitioners: Mr.N.Manokaran
For Respondent : M/S M.Guruprasad

O R D E R

The petitioners are public servants. On 13.09.2009, the respondent has filed a private complaint under section 200 of Cr.P.C before the learned Chief Judicial Magistrate, Erode against the petitioners and 7 others.

2. In the said complaint, it is alleged that the respondent was in possession and enjoyment of a poramboke land. Therefore, in order to vacate her, on 20.07.2011 at about 1.00 p.m., all the accused persons came to her house and threatened her to vacate the property. Further, an attempt was made by A7 to measure the property. It was objected by the complainant. Therefore, she was allegedly assaulted by the petitioners 1 to 3 and 5. Subsequently, she was chased by the other accused persons and the villagers and was assaulted by them again. Thereafter, the 5th petitioner/VAO filed a complaint in Cr.No.153 of 2011 against the respondent for the commission of the offence under Sections 427, 294 (b), 332 and 506 (i) of IPC. On the basis of the complaint given by the 5th petitioner/VAO, the Law Enforcing Agency investigated the matter and filed a charge sheet in C.C.No.137 of 2011 on the file of the learned Judicial Magistrate, Kodumudi and thereafter, in order to wreck vengeance against the petitioners, the respondent filed a private complaint, implicating all the public servants who assembled there and carrying the eviction process, as the complainant was occupying the Government poramboke land. Challenging the private complaint, the present petition has filed.

3. Mr. N. Manokaran, learned counsel appearing for the petitioner would submit that the petitioners in order to vacate the respondent from the poramboke land in which she had encroached upon and in order to carry out their official duty, went to the house of the respondent and the respondent refusing to vacate the poramboke land, tried to assault the 5th petitioner and thereafter, filed a private impugned complaint against the petitioner official. The case in Cr.No.153 of 2011 registered against the respondent/complainant, after investigation, had culminated into a charge sheet and vide order dated 11.06.2018, the learned Magistrate passed a conditional order against the respondent by imposing a fine of Rs. 7000/- as fine amount for the offences under Section 294 (b), 353, 506 (ii) of IPC and on the very same occurrence she filed a private complaint which is an unsustainable one and forcing the public servants facing trial is unreasonable one. Accordingly he prayed for allowing this petition.

4. Mr. Guruprasath, the learned counsel appearing for the respondent would vehemently oppose the contentions raised by the petitioner. However, he fairly conceded that as against the order of the learned Magistrate, imposing fine of Rs.7,000/-, no appeal was preferred by her against the said order.

5. Considering the facts and circumstance of the case and the submissions made by both learned counsel, this Court is of the view that no serious averments were made by the respondent / complainant against the petitioners herein. Accordingly this Criminal Original Petition is allowed and the complaint made in C.C.No.140 of 2012 on the file of the learned District Munsif cum Judicial Magistrate, Kodumudi is quashed. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jrs
To

1. The District Munsif cum
Judicial Magistrate Court,
Kodumudi.

2. Do Thro The Principal District Judge, Erode

+1 CC to Mr.M. Guruprasad, Advocate sr 4872.

+1 CC to Mr.N.Manokaran, Advocate sr 4481.

Crl.O.P.No.25265 of 2013
and
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GP (CO)
SP(26/02/2020)

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