

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.13309 of 2020 and
CrI.M.P.Nos.5170 & 5171 of 2020

Neelavathi
W/o Munirathinam
Koneri Agraharam Village
Koppakarai Post
Denkanikottai Taluk
Krishnagiri District.Petitioner

Vs.

1.State Rep by its
The Inspector of Police
Royakottai Police Station
Krishnagiri
(Crime No.324 of 2018)

2.Gayathri
Sub Inspector of Police
Royakottai Police Station
Krishnagiri.Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records of the STC 02 of 2019 on the file of Judicial Magistrate Court at Denkanikottai and quash the same.

For Petitioner : Mr.D.Manimaran

For Respondents : Mr.S.Karthikeyan

Additional Public Prosecutor for R1

O R D E R

This Petition has been filed to quash the proceedings in S.T.C.No.2 of 2019 on the file of the learned Judicial Magistrate, Denkanikkottai, thereby taken cognizance for the offences under Section 160 of IPC, as against the petitioner.

2.There are totally four accused in which, the petitioner is arrayed as 2nd accused. On the complaint given by the 2nd respondent, a case has been registered in Crime No.324 of 2018 for the offence under Section 160 of IPC as against petitioner and others. After completion of investigation, the first

respondent filed final report and the same has been taken cognizance in S.T.C.No.2 of 2019 for the offence under Section 160 of IPC, alleging that between the accused persons, there was a previous enmity for the past 30 years in respect of their land. While being so, on 15.07.2018, at about 17.30 hours, the petitioner and three others have quarreled each other and disturbed the public so as to cause terror in the public.

3.Admittedly, there was already a civil litigation is pending before the Munsif Court in O.S.No.98 of 2016 filed by the petitioner's husband against A3 and others. In fact, on the fateful day all the accused persons have quarreled each other and all of them admitted in hospital. The petitioner's mother-in-law has been influenced by the accused 3 & 4 and as such the petitioner got separated from her husband. In this regard and as well as the land dispute, there was a previous enmity between their families. After recording the statement from the petitioner, a complaint was registered in Crime No.324 of 2018 adding all the parties as accused. In fact all the accused 1 to 4 were arrested and on date of arrest itself, the learned Magistrate granted bail. To attract the offence under Section 160 of IPC, the following ingredients are essential.

- i. that there was a fight between two or more persons
- ii. that the fight occurred in a public place
- iii. that the fight caused terror to persons who qualify as member of the public.

4.Even according to the case of the prosecution, all four accused were quarreled each other and all of them got injured and admitted in hospital. Except the petitioner's statement, no other lodged complaint and no terror to public. Further the entire allegations are tribal in nature and also due to previous enmity, they quarreled each other. Therefore, the petitioner need not to go for ordeal trial, since the entire proceedings is clear abuse of process of law and it cannot be sustained.

5.Accordingly, this criminal original petition is allowed and the criminal proceedings in S.T.C.No.2 of 2019 pending on the file of the Judicial Magistrate Court, Denkanikottai, is quashed as far as the petitioner is concerned. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate Court
Denkanikottai.

2.The Inspector of Police
Royakottai Police Station
Krishnagiri.

3.The Public Prosecutor
High Court of Madras.

+1 cc to Mr.Manimaran, Advocate Sr.No. 28420

Crl.O.P.No.13309 of 2020 and
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