



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.12685 of 2016

and

Crl.M.P. (MD)Nos.5955 and 5956 of 2016

WEB COPY

Anthony Amirdha Rani

... Petitioner/Accused No.3

-vs-

Edwin Cribin Rajan

... Respondent/Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records and quash the private complaint in C.C.No.88 of 2014 on the file of the Judicial Magistrate No.III, Nagercoil.

For Petitioners : Mr.G.Anto Prince

For Respondent : Mr.T.Jeen Joseph

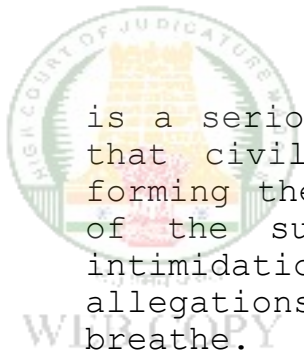
O R D E R

The petitioner is facing trial in C.C.No.88 of 2014 on the file of the Judicial Magistrate No.III, Nagercoil, for the offences under Section 482 of Cr.P.C. She is shown as the third accused while her two sons are figuring as Accused Nos.1 and 2. To quash the impugned complaint as far as she is concerned, this Criminal Original Petition has been filed.

2.The learned counsel appearing for the complainant would point out that the petitioner's family wanted the complainant to part with his valuable property for a consideration. Since the complainant was not willing to sell the property in favour of the petitioner's family, the petitioner's family has been causing hindrance to him in some way or the other. The petitioner removed the survey stones installed on the pathway by the Government Surveyor and also threatened the complainant when he raised his objections. Since the police favoured the petitioner's family by filing a report closing the case as mistake of fact, he was constrained to file a impugned private complaint. The learned counsel submitted that no case for quashing the impugned proceedings has been made out.

3.The learned counsel for the petitioner pointed out that the petitioner is now aged about 75 years and she is almost bedridden.

4.After carefully considering the rival contentions, I am of the view that the petitioner does not deserve to face the prosecution at this age. Even according to the complainant, there



is a serious civil dispute between the two parties. It is stated that civil proceedings are also pending. The cause of action forming the foundation for the impugned prosecution is the removal of the survey stone, holding out dire threats and criminal intimidation. The complainant has not individualized his allegations. He has implicated all the three accused in the same breathe.

5.I am of the view that the acts projected by the respondent herein are more probable against the petitioner's sons and not against the petitioner herein. Ofcourse, by saying so, I am not pronouncing that the petitioner's sons are guilty, but then, I am only of the view that the prosecution is to be confined only to her sons.

6.Considering the improbability of the complainant's case as against the petitioner herein, I am of the view that continuance of the impugned proceedings is not warranted. Accordingly, C.C.No.88 of 2014 on the file of the Judicial Magistrate No.III, Nagercoil stands quashed as far as the petitioner is concerned. This Criminal Original Petition is allowed.

7.It is made clear that the benefit of this order will not enure in favour of the petitioner's sons. The prosecution is of the year 2014. The Court below is directed to conclude the case on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Pnn

To

The Judicial Magistrate No.III, Nagercoil.

Crl.O.P. (MD)No.12685 of 2016

and

Crl.M.P. (MD)Nos.5955 and 5956 of 2016

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KM/ (12.02.2020) 2P 2C

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