



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.13457 of 2016

1.K.Muthuvel Thevar

2.K.R.Mani

3.Periyasamy

4.Rengan

... Petitioners/Accused No.1 to 4

Vs.

1.The State, rep.by the Sub Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.

2.Muthusamy

... Respondents/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned charge sheet dated 25.04.2016 in C.C No.52 of 2016 on the file of the Judicial Magistrate, Devakottai and quash the same.

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
for Mr.S.Sivathilakar

For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1
Mr.P.Saravana Kumar for R2

ORDER

Heard the learned Senior Counsel appearing for the petitioner, the learned Government Counsel appearing for the first respondent and the learned counsel appearing for the defacto complainant.

2.The petitioners are facing trial in C.C No.52 of 2016 on the file of the Judicial Magistrate, Devakottai for the offence under Section 379 of IPC. It is seen that cutting of Karuvelam trees has given rise to the impugned prosecution. It is also seen that there are civil proceedings pending between the parties. I am of the view that the case on hand has an eminent civil profile and that therefore, continuation of the impugned proceedings would be an abuse of legal process. In this view of the matter, the impugned



proceedings stand quashed. It is made clear that the right of the defacto complainant to pursue his remedies in the civil forum are left intact and that the same will not be affected.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skm

To

1. The Judicial Magistrate,
Devakottai.

2.The Sub Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SIVATHILAKAR, Advocate (SR-8724[F] dated
27/02/2020)

Cr1 OP(MD)No.13457 of 2016
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DB (CO)

TR(14.05.2020)2P 5C