



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2020

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. (MD) .No.1917 of 2016
and
CRL.M.P (MD) .No.990 of 2016

1.Amalan
2.Murugan
3.Ucchinimahali
4.Boothathan

... Petitioners/Accused 1 to 4

Vs.

1.The Inspector of Police,
Tirunelveli Government Medical College Hospital
Police Station,
Tirunelveli District.
(Crime No.175 of 2015)

... 1st Respondent/Complainant

2.Rooban

... 2nd Respondent/Defacto
Complainant

Prayer : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for records relating to the FIR in Crime No.175/2015 on the file of first respondent police and quash the same.

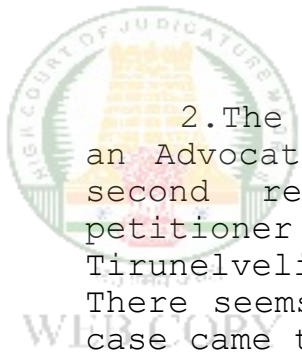
For Petitioner : Mr.V.Sasikumar

For R1 : Mr.M.Chandrasekar,
Additional Public Prosecutor.

For R2 : Mr.M.P.Senthil

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.175 of 2015, for the offence punishable under Sections 427, 294(b), 323 and 506(i) IPC on the file of the respondent police.



2.The case of the prosecution is that the first petitioner is an Advocate, he was running his office in the first floor of the second respondent's building under the tenancy. The second petitioner Murugan was studying in Sadhak Abdullah College, Tirunelveli and he is a part time employee with first petitioner. There seems to be some dispute with regard to the tenancy. Hence, a case came to be registered.

3.The contention of the learned counsel for the petitioner is that the first petitioner is an Advocate, practicing at Tirunelveli Subordinate Courts. On 01.03.2014, a rental agreement was executed between the first petitioner and one Sankaralingam and Nithiya Balaiah. As per the rental agreement, the first petitioner is paying monthly rent without any default through the Bank and also paid a sum of Rs.25,000/- was paid as advance.

4.In such circumstances, the second respondent and his wife and son damaged the ceiling of the petitioner's office and case bundles also. When the same was questioned by the petitioners, they were attacked the second petitioner and caused injuries, who was working under the first petitioner. Therefore, the second petitioner lodged a complaint before the first respondent police and the same was registered in Crime No.174 of 2015 for the offence punishable under Sections 341, 294(b), 323 and 506(ii) IPC.

5.The learned counsel for the petitioners further submitted that they have been implicated in the above case in order to wreck vengeance for a civil dispute and it would amount to abuse of process of law.

6.The learned Additional Public Prosecutor submitted that the first petitioner is a tenant and the second respondent's family was running a Hotel in the ground floor below the tenancy portion of the said Advocate and there was some civil dispute between them. Therefore, the case is in counter case is registered.

7.Considering the rival submissions and on perusal of the materials, it is seen that there was a civil dispute between the first petitioner and the second respondent. Admittedly, Murugan is employed as part time under the Amalan. Further, it is admitted that the Advocate vacated the premises and running his office at another place. The informant/Murugan is attending Advocate's office in the building of the petitioner does not arise. Further, except for the empty threat, there have been no other action furtherance.

8.It is seen that the civil dispute has been given criminal color. This Court is inclined to quash this petition.

9.Accordingly, this Criminal Original Petition is allowed and
<https://hdcivcrs.ecourts.gov.in/services/> Crime No.175 of 2015 on the file of the first



respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
Tirunelveli Government Medical College Hospital
Police Station,
Tirunelveli District.

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

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-5551[F] dated 11/02/2020)

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and

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JMN(12.03.2020) 3P : 4C