



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.18877 of 2016
and CrI.M.P.No.8879 of 2010

1.Ramakanthan

2.Rajammal

.. Petitioners/Accused

Vs.

1.The Inspector of Police,
Thellar Police Station,
Thiruvannamalai District.
(Crime No.19/2013)

.. 1st respondent

2.Anjalai

.. 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records of the proceedings in C.C.No.121/2014 on the file of Judicial Magistrate, Vandhavasi, and to quash the same.

For Petitioners .. Mr.K.Thenrajan

For Respondents .. Mr.E.Raj Thilak
Govt. Advocate (Criminal Side) for R1

No appearance for R2.

ORDER

This petition has been filed under Section 482 of Cr.P.C., seeking interference with further progress of C.C.No.121 of 2014 now pending on the file of the Judicial Magistrate, Vandavasi.

2.The petitioners herein are the son and mother respectively. They were shown as accused in First Information Report in Crime No.19 of 2013, on a complaint given by the 2nd respondent herein / defacto complainant alleging commission of



offence under Sections 294(b), 353, 427 and 506(i) of I.P.C. Subsequent to investigation a final report had also been filed before the Judicial Magistrate, Vandavasi who had taken cognizance of the same as C.C.No.121 of 2014. The present petition has been filed as stated above to quash the said calendar case.

3.It is contended by Mr.K.Thenrajan, learned counsel for the petitioners that much earlier in the year 2004, with respect to disputes over the agricultural lands, the petitioners herein had filed O.S.No.273 of 2004 before the District Munsif cum Judicial Magistrate Court, Vandavasi and in I.A.No.291 of 2004 they had obtained an order of injunction restraining the 3rd respondent, Selliammal from interfering with peaceful possession of the 1st petitioner herein. It is claimed by the learned counsel that injunction order is in force. It is stated that the incident which led to the lodging of the complaint, which further lead to registration of First Information Report in Crime No.19 of 2013 had occurred when the defacto complainant who was actually the 2nd respondent in the said suit had attempted to trespass into the lands over which the petitioner herein had been granted an order of injunction by the competent Court.

4.At that time a minor scuffle broke out. It is seen that even according to the 2nd respondent, she did not go any Government hospital rather, went to a private hospital. But in the final report it is stated that the defacto complainant did not go to any hospital.

5.I am concerned with the inclusion of offence under Section 427 of IPC, since that relates to mischief causing loss or damage to the value of fifty rupees. But, it is seen that the defacto complainant had actually trespassed into the agricultural lands of the petitioners herein and if at all mischief is to be committed, then it would have been committed only in the lands of the petitioners herein and that would not attract the offence under Section 427 of IPC., which offence would be attracted, if the petitioners herein had trespassed into the lands of the defacto complainant and had caused mischief. That is not the case of the prosecution. There is also no statement of witness recorded with respect to any injury suffered.



6.Keeping the calendar case on file would only aggravate the issues between the petitioners herein and the 2nd respondent / defacto complaint. I find that it is a fit case to interfere and accordingly the proceedings in C.C.No.121 of 2014 on the file of the Judicial Magistrate, Vandavasi are quashed.

7.With the above observations, the present Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C0)

// True Copy //

Sub Assistant Registrar

smv

To

1.The Judicial Magistrate, Vandavasi.

2.The Inspector of Police,
Thellar Police Station,
Thiruvannamalai District.
(Crime No.19/2013)

+1CC to Mr.K.Thanrajan Advocate, SR.No. 47374

Cr1.O.P.No.18877 of 2016
and
Cr1.M.P.No.8879 of 2010

SV I(C0)

B.VC (30/09/2021)