

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2589 of 2021
and Crl.M.P No.1408 of 2021

1. A.Kaliyan
S/o.Ayyankutty
2. R.Kumaravel
S/o.Ramasamy
3. V.Periyan
S/o.Veeramuthu
4. A.Kaliyan,
S/o.Angamuthu
5. N.Prakash
S/o.Nallan ... Petitioners/Accused 1,2,3,5 and 7
vs.

T.Mutthaiayan
S/o.Thavan ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the impugned Private Complaint in S.C.No.4 of 2010 pending on the file of the Learned III Additional District and Sessions Judge, Kallakurichi and quash the same.

For Petitioner : Mr.G.Balamanikandan

ORDER

This petition has been filed seeking to quash the proceedings in S.C.No.4 of 2010 pending on the file of the Learned III Additional District and Sessions Judge, Kallakurichi.

2. A reading of the complaint shows that there was a civil dispute between the parties and during the pendency of the same, the petitioners had removed the marble stone which contained the name of the trustee and is said to have thrown it in the river. Aggrieved by the same, the respondent has filed a private complaint against the petitioners and the same was taken

cognizance for an offence under Sections 147, 448, 427, of IPC and Section 3 of the PPDL Act.

3. The above complaint was filed in the year 2010 and it was brought to the notice of this Court that there was absolutely no progress in the complaint. In the mean time, A4 and A6 died and the complainant also died. The report of the court below shows that even the wife of the complainant who is shown as witness, is not appearing before the court below.

4. Taking into consideration the facts and circumstances of the case and also the fact that no useful purpose will be served if this petition is kept pending and considering the nature of the dispute between the parties, this Court is inclined to quash the proceedings in S.C.No.4 of 2010 pending on the file of the III Additional District and Sessions Judge, Kallakurichi.

5. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

The III Additional District and Sessions Judge,
Kallakurichi.

+1cc to Mr.G.Balamanikandan, Advocate Sr.12841

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