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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.24273 of 2014
and
M.P.Nos. 1 & 2 of 2014

1. P.R.Venkatachalam,
S/o. Rangasamy
2. Vigneswaran,
S/o. P.R.Venkatachalam
3. Valliammal
D/o. Viswanathan

...Petitioners

Versus

A. Gobu
S/o. Ammasai

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records pertaining to C.C.No. 46 of 2014 on the file of Judicial Magistrate No.II, Gobichettipalayam and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.Ma.P.Thangavel

For Respondent : No appearance

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed seeking to quash the private complaint.

2. Even though notice served on the respondent and name of respondent was also printed in the cause list, none appeared on behalf of respondent.

3. The allegation narrated in the complaint, is that the respondent/complainant and the petitioners are neighbouring



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landowners and there is an agreement entered between the parties for taking water from the common water channel. However, the petitioner/accused prevented the complainant from taking water and there was quarrel between the parties, during quarrel, he has suffered injuries. He was given treatment in the Government Hospital. Thereafter, he had filed a complaint before the Kavunthapadi Police Station. However, without registering the complaint against the accused, the Kavunthapadi Police registered the F.I.R. against the complainant. In the said circumstances, he has filed an application under Section 156(3) of Cr.P.C. to register the complaint. The above petition has been treated as a private complaint, and the learned Judicial Magistrate No.II, Gobichettipalayam has taken cognizance of offence and issued process. Now, to quash the said criminal case, the present petition has been filed.

4. Mr.MA.P.Thangavel, learned counsel appearing for petitioners/accused would contend that, only the respondent/complainant attacked the petitioners/accused, wherein they have given a complaint against him and based on the same, the crime was registered. Subsequently, after full-fledged trial, the respondent/complainant was acquitted in the criminal case filed by them. Now, a false allegation has been made against the petitioners, as if they have attacked him. According to the learned counsel, the respondent/complainant did not suffer any injury, and he did not prefer any complaint against the petitioners/accused. Only after registering the F.I.R. against him, the present complaint has been filed.

5. Heard submissions made by learned counsel appearing for petitioners and perused the records.

6. On perusal of records, it is seen that it is only a civil dispute between the parties, for which, a criminal colour was given by the complainant. That apart, it is also stated that in the complaint given by the petitioners, the respondent/complainant was also acquitted by the lower court. Considering those circumstances, this Court is inclined to quash the criminal case filed against the petitioners/accused in C.C.No.46 of 2014 on the file of Judicial Magistrate No.II, Gobichettipalayam. Accordingly, this Criminal Original Petition stands allowed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar



rpp

To

1. The Judicial Magistrate No.II,
Gobichettipalayam.

2. The Chief Judicial Magistrate,
Erode.

+lcc to Mr.Ma.P.Thangavel, Advocate, S.R.No.57955

CRL.O.P.No.24273 of 2014

AP[co]
NSK 25/11/2021