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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19581 of 2019 &
Crl.M.P.No.10024 of 2019

T.A.P.Senthilkumar

...Petitioner

vs

1.State,
Rep. by Inspector of Police,
Ariyalur Police Station,
Ariyalur.

2.Ganesan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in PRC. No.15 of 2019 on the file of the learned Judicial Magistrate-I, Ariyalur and quash the same.

For Petitioner : Mr.S.Ramachandran

For Respondents: Mr.C.Raghavan
Government Advocate for R1
Mr.Ranganathan R2

ORDER

This petition has been filed to quash the proceedings in PRC. No.15 of 2019 on the file of the learned Judicial Magistrate-I, Ariyalur.

2. The case of the prosecution is that the defacto complainant and the petitioner are neighbouring owners of their respective properties and there was a civil dispute that was pending in O.S.No.96 of 2019, before the District Munsif Court, Ariyalur. On 23.04.2019, the petitioner is said to have caused damage to the compound wall belonging to the second respondent and when this was questioned, the petitioner is said to have abused the second respondent in filthy language and also criminally intimidated him. A complaint was given by the second respondent on 07.05.2019 and the First Information Report came to be registered on the same day against the petitioner.

3. The statement of the witnesses were collected by the respondent police on the very same day, when the FIR was



registered and the final report came to be filed before the Court below on 28.05.2019. The court below took cognizance of the final report against the petitioner for offences under Section 294(b), 506(i) of IPC and Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

4. Heard Mr.S.Ramachandran, learned counsel for the petitioner, Mr.C.Raghavan, learned Government Advocate appearing on behalf of first respondent and Mr.G.Ranganathan, learned counsel for the second respondent.

5. In the considered view of this Court, there is already a civil suit pending between the parties before the competent civil Court in OS.No.96 of 2019. The pending civil suit had created a rift between the parties and that has resulted in a criminal complaint being lodged against the petitioner. This has now resulted in a final report. It is also brought to the notice of this Court that the petitioner has also given a complaint against the second respondent and based on the same, the first respondent police registered an FIR in Crime No.123 of 2019.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the parties are at logger heads due to the civil proceedings served before the competent civil Court, no useful purpose will be served in prosecuting the criminal case and hence, this Court is inclined to quash the proceedings against the petitioner as well as quash the FIR pending against the second respondent. This will bring to an end the criminal proceedings between the parties. Thereafter, it is left open to the parties to agitate their rights before the competent civil Court where the suit is pending.

7. In the result, the proceedings in PRC. No.15 of 2019 on the file of the learned Judicial Magistrate-I, Ariyalur, is hereby quashed. In continuation of the same, the FIR registered by the first respondent in Crime No.123 of 2019 against the second respondent is also hereby quashed. This Criminal Original Petition is allowed accordingly. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rli

To



2.The Inspector of Police,
Ariyalur Police Station,
Ariyalur.

3.The Public Prosecutor,
Puducherry.

+1cc to Mr.G.Ranganathan, Advocate, S.R.No.11771

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PL(CO)
RVM(20/07/2021)