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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL.O.P.NO.25560 OF 2019

AND

CRL.M.P.NO.13688 OF 2019

1.Kumar
2.Balaji
3.Bakkiyalakshmi
4.Sujatha

..Petitioners

/versus/

1.State by:The Sub-Inspector of Police,
L & O, G1 Veperi Police Station,
Vepperi, Chennai-07.
(Crime No.529 of 2015)

2.Janakiraman

..Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.2718 of 2017 on the file of II Metropolitan Magistrate Court, Chennai and quash all proceedings in respect of the petitioners only in C.C.No.2719 of 2017 on the file of II Metropolitan Magistrate Court, Chennai in Crime No.529 of 2015 on the file of the Sub Inspector of Police, L & O, G1 Vepperi Police Station, Veperi, Chennai -07.

For Petitioners	:	Mr.R.Amizhdhu
For Respondents	:	Mr.A.Gokulakrishnan
		Additional Public Prosecutor
		for R1
		Mr.A.Saravanan for R2

ORDER

This Criminal Original Petition has been filed seeking to call for the records in C.C.No.2718 of 2017 on the file of II Metropolitan Magistrate Court, Chennai and quash all proceedings in respect of the petitioners only in C.C.No.2719 of 2017 on the



5.The learned Additional Public Prosecutor appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent argued the case on the above aspects.

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6.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the 2nd respondent and perused the materials available on record.

7.On a perusal of the records, it could be seen that, admittedly, the petitioners are close relatives of the defacto complainant. Earlier, a suit in O.S.No.4693 of 1997 filed by the defacto complainant was dismissed. As against the same, an appeal in A.S.572 of 2002 was filed before this Court and the same is pending before this Court. Thereafter, the petitioners filed the suit in O.S.No.7130 of 1997 against the 2nd respondent for the same cause of action and the same was decreed in favour of the petitioners. Aggrieved by that, the 2nd respondent filed an appeal in A.S.No.413 of 2003 and the same was dismissed by the City Civil Court, Chennai. Aggrieved by that order, a second appeal in S.A.No.410 of 2006 has been filed before this Court and the same is pending. Pending the second appeal, due to wordy quarrel, the 2nd respondent/defacto complainant lodged a complaint against the petitioners for the purpose of filing a civil case. Accordingly, the 2nd respondent/defacto complainant has filed a suit in O.S.No.1963 of 2015 before the III Assistant City Civil Court, Chennai for the relief of permanent injunction and the same was dismissed for default on 15.11.2015 and till date, no steps have been taken to restore the said suit. Based upon said same cause of action, this First Information Report was lodged against the petitioners by the 2nd respondent/defacto complainant only to harass the petitioners and therefore, no useful purpose would be served in keeping this case pending, since the civil suits are pending between the parties before this Court. Hence, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

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