



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.O.P.NOS.30492 & 30595 OF 2019

AND

CRL.M.P.NOS.16512, 16514, 16588 AND 16589 OF 2019

- 1.K.Vijayan
- 2.K.Ravichandran
- 3.A.Sivakumar
- 4.L.Krishnamoorthy
- 5.M.Rajadran

.. Petitioners/Accused A1 to A5
in Crl.O.P.No.30492/20219

- 1.Alex Mani @ Mani
- 2.K.Ravichandran
- 3.K.Vijayan
- 4.P.Ayyakannu
- 5.G.Venkatesan
- 6.S.Elumalai

.. Petitioners/Accused
in Crl.O.P.No.30595/20219

Versus

1. State Rep. By its
The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.

... 1st Respondent/
Complainant in Both Crl.O.P.s

2. P.Ananthan

.. 2nd Respondent/
Defacto Complainant in Both Crl.O.P.s

Prayer in Crl.O.P.No.30492 of 2019:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for records pertaining to charge sheet in C.C.No.100 of 2013, now on the file of the learned Judicial Magistrate, Fast Track Court, (ML) Tiruvannamalai and quash the same.



Prayer in CrI.O.P.No.30595 of 2019:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for records pertaining to charge sheet in C.C.No.27 of 2018, on the file of the learned Judicial Magistrate No.I, Tiruvannamalai and quash the same.

For Petitioners : Mr.B.Nedunchezhiyan
For Respondents
For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R2 : Mr.M.Sridhar

COMMON ORDER

The petitioners are praying to quash C.C.No.100 of 2013 on the file of learned Judicial Magistrate, Fast Track Court, (ML) Tiruvannamalai and C.C.No.27 of 2018 on the file of the learned Judicial Magistrate No.I, Tiruvannamalai.

2. The case of the prosecution is that the petitioners have trespassed into the alleged property and attacked the 2nd respondent and his wife with deadly weapons and also threatened them with dire consequences. Already, the suit is pending from the year 2012, in O.S.No.12 of 2012 before the District Court for permanent injunction. The petitioners have claimed the property as per class (ii) legal heirs of the Hindu Succession Act.

3. Heard Mr.B.Nedunchezhiyan, learned counsel for the petitioners and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor appearing for the first respondent and Mr.M.Sridhar, learned counsel appearing on behalf of the second respondent.

4. The learned counsel for the petitioners submitted that, already a Civil suit is pending from the year 2012, due to which, the 2nd respondent gave a false complaint against them. He further submitted that the allegation is that the petitioners have trespassed into the alleged property and attacked the complainant and his wife with deadly weapons and caused grievous injuries. But, there are no grievous injuries as charged by the prosecution, and only simple injury was sustained by the petitioners. Hence, he prays to quash the CC proceedings against the petitioners.



5.The learned counsel for the second respondent / defacto complainant submitted that already the trial has begun. There are totally 9 witnesses, among which, three witnesses were examined and the case was posted for further evidence. Due to the pendency of trial case, the petitioners not been cross-examined the witnesses.

6. About the nature of injury it shall be adjudicated only on considering both oral and documentary evidence So, the petitioners are entitled to workout their remedy before the trial Court itself. Since the cases is for the year 2012, the learned trial Judge is directed to dispose of C.C.No.100 of 2013 and C.C.No.27 of 2018, within a period of four months from the date of receipt of copy of this order.

7. Accordingly, these Criminal Original Petitions are dismissed. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Fast Track Court, (ML) Tiruvannamalai.
2. The Judicial Magistrate No.I,
Tiruvannamalai.
3. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.
4. The Public Prosecutor
High Court of Madras

Crl.O.P.Nos.30492 & 30595 of 2019
and
Crl.M.P.Nos.16512, 16514, 16588 and 16589 of 2019

SSN(CO)
PM/22/02/2022