



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.28126 of 2018

and

CrI.M.P.Nos.16351 & 16352 of 2018

1. Manoharan

2. Krishnamurthy

...Petitioners/Accused 1 &2

Vs.

Dakshinamurthy

...Respondent/Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the entire records in CC.No.1214 of 2017 on the file of the Judicial magistrate, Alandur, Kanchipuram District and quash the same.

For Petitioners : Mr.S.Vijayakumar

For Respondents : Mr.S.N.Subramani

O R D E R

This petition has been filed to quash the proceedings in CC.No.1214 of 2017 on the file of the Judicial magistrate, Alandur, Kanchipuram District.

2. A family dispute has sought to be completed into a criminal case and the petitioners are forced to face the trial. Challenging such act of the defacto complainant, the petitioners have approached this Court to quash the case pending against them on the file of the learned Judicial Magistrate, Alandur in CC.No.1214 of 2017.

3. The brief facts leading to filing of this petition are as follows:

The petitioners and the complainant are siblings. The son of the defacto complainant lodged a private complaint against the petitioners which was registered for the offences under Section 406,471, 294(b) and 506(ii) of IPC. The complaint against the



petitioners is that they forged the signature of the defacto complainant and obtained electricity connection and property situated at Madippakkam. Based on the complaint preferred by the defacto complainant, a case was registered against the petitioners and the same is pending as mentioned above.

4. Heard the learned counsel on both sides and perused the materials available on record.

5. It is seen from the records that initially, there was a similar dispute and a compromise was arrived at between the parties and they have indeed entered into a sale agreement on 27.09.2015. The defacto complainant has also filed a civil suit which is pending on the file of the learned Additional District Munsif, Alandur in O.S.No.1056 of 2014. During the pendency of the said civil suit, the defacto complainant has preferred a private complaint against the petitioners and the same was entertained by the learned Judicial Magistrate, Alandur and the same is pending before the same Court. Since, the defacto complainant has already initiated the civil proceedings, he has left free to pursue all his remedies before the said forum. If the present criminal case is allowed to go on, it will only be a parallel proceedings which will only wastage of precious judicial time. Therefore, the case in CC.No.1214 of 2017 on the file of the learned Judicial Magistrate, Alandur is quashed and the defacto complainant is given at liberty to pursue all his remedies before the civil forum.

6. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Judicial magistrate, Alandur, Kanchipuram District.

2. Do Thro The Chief Judicial Magistrate, Kanchipuram.

+lcc to Mr.S.Vijayakumar, Advocate, S.R.No.54823

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NMI (CO)

RGA(08/12/2021)