



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 25.02.2021

PRONOUNCE ON : 29.03.2021

WEB COPY

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.13077 of 2017
and
Crl.MP(MD)Nos.8865 & 8866 of 2017

Vettum Perumal ... Petitioner/Accused No.1

Vs.

1.State of Tamil Nadu
Represented by
The Inspector of Police,
Radhapuram Police Station,
Radhapuram,
Tirunelveli District. ... 1st Respondent/Complainant

2.Parvathi ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in C.C.No.397 of 2016, dated 17.06.2016 filed before the Judicial Magistrate, Valliyoor under alleged Sections 294(b), 323 and 506 (i) of IPC and Section 4 of TNPHW Act in FIR in Crime No.158 of 2015 dated 17.10.2015 registered on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.P.M.Vishnuvarthanan
For R1 : Mr.M.Ganesan
Government Advocate (Crl.Side

For R2 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.397 of 2016, dated 17.06.2016 filed before the Judicial Magistrate, Valliyoor.

2. Case of the prosecution before the Trial Court:-

On 14.10.2015, at about 06.00 p.m., the first accused abused the defacto complainant in filthy language stating that how they have dared to send summons by sitting in his properties assaulted the



defacto complainant on various parts of the body and also criminally intimidated her.

3. A case was registered on the basis of the complaint given by the defacto complainant in Crime No.158 of 2015 and after investigation, the first respondent filed a final report before the Trial Court setting out the above said incident stating that the petitioner had committed the offences punishable under Sections 294 (b), 323, 506 (i) IPC and Section 4 of TNPHW Act.

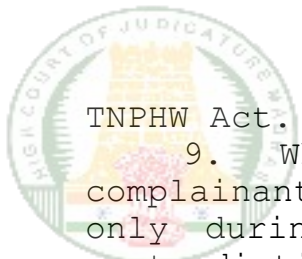
4. Seeking quashment of the final report, this petition is filed by the accused on the ground that the investigation was not done in a fair manner; The Investigating Officer failed to collect any materials; He failed to note that the mother of the defacto complainant by name, Annapathirammal sold the property in S.No.377/1, measuring an extent of 88 cents to this petitioner through a registered sale deed, for the purpose of meeting out the expenditure of her unmarried daughter namely, Manonmani. On the basis of the document executed by her daughter namely, Thangam, the defacto complainant attempted to interfere with the possession of the petitioner.

5. Heard both sides.

6. Perusal of records and statements of the witnesses recorded during investigation shows that enmity arose between the parties over a landed property. As per the complaint given by the defacto complainant, it is seen that a case is also filed before the Judicial Magistrate, Valliyoor. Thereby, Summons was issued to the accused and others. Only in pursuance of the same, the said occurrence said to have taken place.

7. It is also seen that the son of the petitioner has also lodged a complaint before the DCB Police, Tirunelveli, on 01.02.2017 against the defacto complainant and her daughter namely, Thangam stating that in the year 1982, his father and the paternal uncle purchased the property comprised in S.No.377/1, measuring on extent of 1 acre 30 cents, from Annapathirammal, who is the mother of the defacto complainant herein. But, the defacto complainant herein, later settled the property in her daughter's namely, Thangam and thereby, she has grabbed the property.

8. Perusal of the complaint shows that the dispute between the parties, existed over the land property, as mentioned earlier, the present occurrence said to have been taken place. Allegations have been levelled by the defacto complainant, against this petitioner that she was physically assaulted all over her body and was admitted in the Radhapuram Government Hospital, on 14.10.2015. The medical records were also collected by the Investigating Officer during investigation and statement of the other witnesses were also recorded and filed a final report making allegations against the petitioner stating that he has committed the offences punishable under Sections 294 (b), 323, 506 (i) IPC and Section 4 of



TNPHW Act.

9. Whether this petitioner has assaulted the defacto complainant or not is a question of fact and that can be decided only during the course of trial. The omission as well as the contradictions that is said to have been taken place, in the case of the defacto complainant, cannot be a matter for discussion in this petition. *Prima facie* materials were collected by the Investigating Officer, to file a final report against this petitioner. Simply because, a title dispute is pending between the parties, it cannot be said that the present complaint is a false one. Whether it is false or true can be found out only during trial. The title dispute pending between the parties and the assault said to have been committed by the petitioner upon the defacto complainant are independent cause of action. So, no strong case has been made out by the petitioner to quash the final report.

10. I find no merits in this petition and this Criminal Original Petition deserves dismissal and accordingly dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

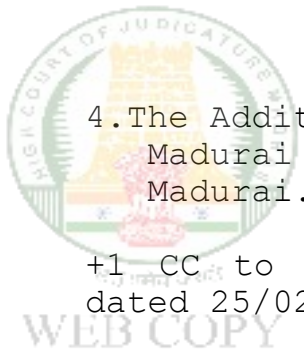
Sub Assistant Registrar(CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate,
Valliyoore.
2. The Chief Judicial Magistrate,
Tirunelveli District.
- 3.The The Inspector of Police,
Radhapuram Police Station,
Radhapuram,
Tirunelveli District.



CrI.O.P.(MD)No.13077 of 2017

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-7396[F]
dated 25/02/2021)

CrI.O.P. (MD) No.13077 of 2017
and
CrI.MP (MD) Nos.8865 & 8866 of
2017

29.03.2021

CN(03.05.2021) 4P 6C