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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.NO. 385 OF 2016

AND

CRL.M.P. NOS. 153, 154 & 438 OF 2016

1. S.C.S.Kamaraj
2. S.C.S.K.Surendar

... Petitioners

Versus

The Inspector of Police,
Pallipatti Police Station,
Salem Dt.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.281 of 2015 on the file of the Judicial Magistrate No.II, Salem and quash the same.

For Petitioners	:	Mr.D.Gopinathan
For Respondent	:	Mr.C.E.Pratap, Govt. Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.281 of 2015 on the file of Judicial Magistrate No.II, Salem.

2. The case of the prosecution is that, the petitioners are brother and brother's son of defacto complainant. There is a civil dispute between the parties in respect of property belong to a joint family and a suit was also decreed in favour of defacto complainant's family. Subsequently, they have let out the same to a third party and both petitioners have quarreled with the tenant. When the same was questioned by the defacto complainant, the petitioners said to have attacked him, and they



have also said to have threatened the defacto complainant with dire consequences. Hence, a complaint was given by her. Based on that, F.I.R. in Crime No. 384 of 2015 has been registered for an offence under Sec.294(b), 323, 506(i) I.P.C. After investigation, a final report has been filed, charges were framed against the petitioners and the present petition has been filed to quash the criminal proceedings.

3. Heard submissions made by learned counsel appearing for petitioner and learned Government Advocate appearing for respondent and perused the records.

4. The complaint has been given by one Dhanapal, alleging that the petitioners, who are his brother and brother's son, due to a civil dispute, attacked him and criminally intimidated him. Now, it is stated that for the very same occurrence, the wife of present defacto complainant has given another complaint before the Hasthampatty Police Station and after investigation, final report was also filed and the matter is pending in C.C.No.85 of 2016, on the file of Additional Mahila Court, Salem. In the above circumstances, for the very same occurrence, there cannot be another complaint, which is not maintainable in the eye of law. Therefore, I am inclined to allow this Criminal Original Petition and the criminal proceedings initiated in C.C.No.281 of 2015 on the file of Judicial Magistrate No.II, Salem is quashed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II, Salem.
 2. The Additional Mahila Court, Salem.
 3. The Inspector of Police,
Pallipatti Police Station,
Salem Dt.
 4. The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.D.Gopinathan, Advocate, S.R.No.2195

CRL.O.P.No. 385 of 2016

PL(CO)

RLP(28/01/2022)