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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.28273 of 2022
and Crl.M.P.Nos.17348 & 17349 of 2022

1.S.Paramasivan

2.P.Venkatesan

...

Petitioners

versus

1.The State

Rep. by Inspector of Police,
Rshivandiyam Police Station,
Kallakurichi District.

2.S.Sakthivel

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the case in C.C.No.156 of 2022 pending on the file of the learned Judicial Magistrate at Thirukoyilur, Kallakurichi District and quash the same as illegal, incompetent and ultravires by allowing the present petition.

For Petitioners : Mr.M.S.Umesh

For Respondent No.1 : Mr.S.Santhosh
Government Advocate (Crl. Side)



ORDER

This Criminal Original Petition has been filed seeking for a direction to quash the proceedings in C.C.No.156 of 2022 pending on the file of the learned Judicial Magistrate, Thirukoyilur, Kallakurichi District.

2. The petitioners are the accused nos.1 and 2. The learned counsel for the petitioners submitted that there is some land dispute between the second respondent / *de facto* complainant and the accused and in view of that a criminal complaint has been given against the petitioners. The civil case has been given with criminal colour and hence the proceedings should be quashed.

3. The learned Government Advocate (Crl. Side) appearing for the first respondent police would submit that the complaint has been given on the allegation that the petitioners had abused the *de facto* complainant in filthy language, assaulted him, caused injuries on his body and also threatened him; since there are sufficient materials available on record, the charge sheet has been filed against the petitioners and hence, there is no ground to quash the proceedings.



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4. On perusal of records, it is seen that the petitioners had alleged that on 18.01.2022 at about 11.00a.m. the second respondent had attended the panchayat for partition; at about 5.00p.m. there was a wordy quarrel between the parties and the petitioners abused the *de facto* complainant, assaulted him with iron rod on the back side of his head and threatened him that he would do away with him. The wound certificate given by the medical officer is also available to show that the second respondent has sustained a simple injury. So these materials along with the statement of other witnesses, who also witnessed the occurrence are sufficient to file the charge sheet against the petitioners. Since it is not a case with bald particulars, I feel the petitioners can only raise all these points before the trial Court as their defense.



5. With the above observations, this Criminal Original

Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed.

18.11.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

1.The Judicial Magistrate,
Thirukoyilur, Kallakurichi District.

2.The State
Rep. by Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA, J.

sri

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