



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:13/04/2022

CORAM:

**THE HON'BLE MR JUSTICE G.ILANGOAN**

Cr1.OP(MD)No.10093 of 2019

and

Cr1.MP(MD)No.6372 of 2019

R.Parisiddhu

: Petitioner/A3

**Vs.**

1.R.Karmegam

: R1/Complainant

2.P.Bashkaran

3.K.Selvamurugan

: R2 and R3/A1 and A2

**Prayer:** Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the case in CC No.339 of 2014 on the file of the Judicial Magistrate, Nilakottai as against the A3 and quash the same.

For Petitioner : Mr.S.Alagarsamy

For 1<sup>st</sup> Respondent : Mr.K.Guhan

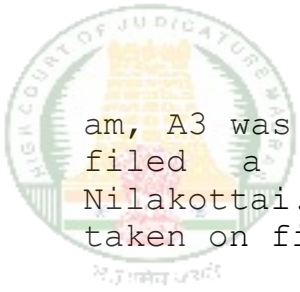
For R2 and R3 : No appearance

### **J U D G M E N T**

The petition has been filed seeking quashment of the case in CC No.339 of 2014 on the file of the Judicial Magistrate, Nilakottai.

### **2.The case of the prosecution in brief:-**

The 1<sup>st</sup> respondent herein has lodged a complaint before the trial court with the following allegations:- He owns property in Survey Nos.403, 404, 495 and 399 in Mallanampatti Village. He raised coconut trees and sapota tress. Because of the drought, about 225 coconut tress died. He suffered a loss of Rs.2,00,000/-. He approached the 3<sup>rd</sup> accused seeking certificate and for that, he demanded bribe. But that was refused by him. So, he sent a wrong report to the high Revenue Officials. So the Tashildhar, made a spot inspection and submitted a report. So he lodged a complaint against A3. Over that enmity, at the instance of A3, A1 and A2 joint together and also made a false complaint against the de-facto complainant to the villagers. So the complaint was forwarded to the Manager of Dindigul Transport Corporation Depot. He was issued with memo and he has also submitted his explanation. In that complaint, it has been stated that this petitioner obstructed the public channel. He also abused and insulted the people belonging to Scheduled Caste and Scheduled Tribes and various defamatory allegations and complaints have been made against the de-facto complainant/1<sup>st</sup> respondent. So because of the defamatory and untrue allegation, the 1<sup>st</sup> respondent suffered disrespect at the hands of the co-workers and the village people. On 30/09/2004, at about 7.00



am, A3 was criminally intimidated him. So with these allegations, he filed a private complaint before the Judicial Magistrate, Nilakottai. Based upon the orders passed by the Magistrate, it was taken on file in CC No.339 of 2004.

3. Seeking quashment of the same, this petition has been filed by the petitioner.

4. Heard both sides.

5. Perusal of the records shows that totally six witnesses have been examined before the trial court and this petitioner/A1 also took part in the trial process and has adopted the cross examination of A1 and A2. At a belated stage, this petition came to be filed. When this petitioner participated in the trial process and the trial process is in the half way, this quash petition has been filed.

6. The learned counsel appearing for the petitioner would submit that the petitioner has discharged his official duty in not recommending the name of the complainant for getting the drought relief fund and taking vengeance of the same, the complainant has filed this false complaint. It is also submitted that in the facts and circumstances of this case, only the Chief Judicial Magistrate Court is competent to try the offence. According to him, since, the petitioner is a Government Servant, the trial court namely the Judicial Magistrate, Nilakottai, has no jurisdiction to try the offence. But such an contention cannot be accepted.

7. It is a case of 120(B) and 506(ii) IPC and section 500 has also been included. So such a case is triable only by the First Class Magistrate. So, I find that a belated contention on the part of the petitioner is that the trial court has no jurisdiction to try the offence is out of place and cannot be accepted without any basis.

8. It has been submitted by the learned counsel appearing for the 1<sup>st</sup> respondent that the petitioner has filed discharge petition before the trial court and that also came to be dismissed. Even though the petitioner relied upon the proceedings of the Revenue Official, Dindigul and the Revenue Divisional Officer, Dindigul, those things cannot be a matter for consideration in this petition.

9. Whether there was no motive or intention is a matter for consideration before the concerned trial court. When the petitioner adopted the cross examination of A1 and A2, the veracity of the evidence has to be taken into account. Such an exercise is not permissible, while exercising the jurisdiction under section 482 Cr.P.C. So, this petition is liable to be dismissed.

10. In the result, this criminal original petition is **dismissed**. But however, there shall be a direction to the trial court namely the Judicial Magistrate, Nilakottai, to expedite the trial process and



complete the same within a period of three months from the date of receipt of a copy of this order. After that, the compliance report must be submitted to this Registry. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

**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**

The Judicial Magistrate,  
Nilakottai,  
Dindigul District.

**Copy to**

The Registrar (Judicial),  
Madurai bench of Madras High Court,  
Madurai.

+1 CC to M/s.K.GUHAN, Advocate ( SR-19136[F] dated 18/04/2022 )

+1 CC to M/s.S.ALAGARSAMY, Advocate ( SR-19311[F] dated 19/04/2022 )

**Cr1.OP(MD)No.10093 of 2019**  
**13.04.2022**

RS/18.05.2022/3P/5C