



CrI.O.P.(MD)No.15862 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.15862 of 2018

and

CRL.M.P.(MD)Nos.7028 & 7029 of 2018

1.Muthupandi

2.Chellapandi

3.Thangapandi

4.Prabhu

... Petitioners

Vs.

1.P.Latha

2.The Deputy Superintendent of Police,
Samayanallur Deputy Superintendent Office,
Samayanallur,
Madurai.

... Respondents



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PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned private complaint proceedings in C.C.No.288 of 2016 on the file of the learned Additional Mahila Court (Judicial Magistrate Level), Madurai, and quash the same as illegal.

For Petitioners : Mr.R.Shankar Ganesh

For Respondents : Mr.M.Sakthikumar, - for R2

Government Advocate (Crl. side)

: No Appearance - for R1

ORDER

This petition has been filed to quash the proceedings in C.C.No.288 of 2016 pending on the file of the learned Additional Mahila Court (Judicial Magistrate Level), Madurai, based on the private complaint initiated by the first respondent.



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2. The first respondent filed a private complaint on the ground that A3 had filed a civil suit on the basis of a forged sale agreement and based on the same, A3 was making attempts to grab the property and was causing threat. On 19.06.2016 at about 5.30 p.m., the accused persons are said to have abused the complainant in filthy language and threatened her with dire consequences. Even though the complaint was given to the police, the same was not acted upon and hence, a complaint was given before the Court below. The Court below has taken cognizance of the complaint for the offence under Sections 294(b), 506(2) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2022.

3. Heard Mr.R.Shankar Ganesh, learned counsel appearing for the petitioners and Mr.M.Sakthikumar, learned Government Advocate (Crl. side) appearing for the second respondent. The learned counsel appearing for the first respondent submitted that he has already returned back the bundle to the first respondent and he has no instructions in this case and he has withdrawn his vakalat.



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4. It is seen from the records that the complainant proposed to sell the house property to A3 on 20.12.2011 through a sale agreement and the total sale consideration was fixed at Rs.26,56,000/- (Rupees Twenty Six Lakhs and Fifty Six Thousand only). A3 paid an advance of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand only). The possession of the house was also handed over to A3. The lease amount that was paid by A3 was adjusted towards the balance sale consideration and a balance of Rs.10,75,200/- (Rupees Ten Lakhs Seventy Five Thousand and Two Hundred only) has to be paid by A3 at the time of execution of the sale deed by the complainant. Certain disputes cropped up in this transaction and a suit came to be filed both from the side of the petitioner as well as from the side of the complainant and series of criminal complaints came to be given against each other. There was a counter complaint given by A3 for the same incident registered in Crime No.258 of 2016.

5. In the considered view of this Court, the private complaint given by the first respondent is a clear abuse of process of



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Court, in view of the fact that the complainant had already given a complaint on 01.05.2016 against A3 and another on the very same allegations and a final report came to be filed, which came to be challenged before this Court in Crl.O.P.(MD) No.15861 of 2018 and this Court had quashed the same. The continuation of the proceedings against the petitioners will amount to abuse of process of Court and the complaint itself emanates from the pending civil dispute between the parties.

6. In the result, the proceedings in C.C.No.288 of 2016, pending on the file of the learned Additional Mahila Court (Judicial Magistrate Level), Madurai, is hereby quashed and the Criminal Original Petition is accordingly allowed. Consequently, connected Miscellaneous Petitions are closed.

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Index: Yes/No
Internet: Yes/No
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To

1. The Additional Mahila Court
(Judicial Magistrate Level),
Madurai.

2. The Deputy Superintendent of Police,
Samayanallur Deputy Superintendent Office,
Samayanallur,
Madurai.

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



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N.ANAND VENKATESH, J.

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