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Crl.OP No.3708 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-11-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl. OP No.3708 of 2023

And

Crl.MP Nos.2317 and 2318 of 2023

1.R.Gnanaprakasam

2.G.Anandan

... Petitioners/Accused Nos.1 and 3

Vs.

1.The Inspector of Police,
E-4, Police Station,
Abhiramapuram,
Chennai-600 018.

2.C.Saroja

... Respondents/Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, calling for the records and quash the proceedings in CC No.5623 of 2017 pending on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioners : Mr.B.Harikrishnan

For Respondent-1 : Mr.S.Udaya Kumar,
Government Advocate
(Criminal Side).

For Respondent-2 : No Appearance



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ORDER

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The present Criminal Original Petition has been filed to quash the proceedings in CC No.5623 of 2017 pending on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

2. The learned counsel appearing on behalf of the petitioners submitted that the defacto complainant is the neighbouring resident of petitioners' house. A civil dispute regarding the use of pathway culminated between the petitioners and the defacto complainant erupted when the petitioners attempted to put up sunshade. Both the parties went to Police Station and lodged complaint against each other. The complaint given by the petitioners on 08.03.2016 was assigned as CSR No.153 of 2016. Knowing that the said complaint was given against them, a counter complaint was given on the next day i.e., 09.03.2016 based on which a case was registered in Crime No.487 of 2016 for offences under Sections 294(b) and 506(i) of IPC against the petitioners.

3. Contending that the complaint has been given by the defacto complainant with malicious intention alleging abuse by the petitioners in filthy



language with criminal intimidation, the case has been registered and investigation has been proceeded and it culminated in filing Final Report, which is not supported by any material evidence. The learned counsel for the petitioners further submitted that though the Final Report was taken cognisance in the year 2017, till date there is no progress and not even documents relied on by the prosecution has been served to the petitioners as per Section 207 Cr.P.C.

4. The learned Government Advocate (Criminal Side), appearing on behalf of the first respondent, submitted that it is petty quarrel between the neighbours while putting up construction. In the civil suit, the petitioners herein have succeeded in getting an interim injunction restraining the second respondent-defacto complainant from in any manner interfering with the petitioners' peaceful enjoyment and possession of the suit property.

5. Perusal of statement of witnesses and the complaint, this Court finds that it is a trivial matter, which has now been taken up for trial by the learned Judicial Magistrate. However, the trial could not proceed in spite of lapse of six years.



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6. When the matter came up for admission, this Court ordered notice to the defacto complainant. There is no representation for the defacto complainant.

7. Cumulative assessment of the facts in hand, this Court finds that it is a fit case for quashment for being prosecuted with fraudulent intention.

8. Accordingly, CC No.5623 of 2017 pending on the file of XXIII Metropolitan Magistrate Court, Saidapet, Chennai stands quashed and the present Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

20-11-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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- To
- 1.The XXIII Metropolitan Magistrate Court,
Saidapet,
Chennai.
 - 2.The Inspector of Police,
E-4, Police Station,
Abhiramapuram,
Chennai-600 018.
 - 3.The Public Prosecutor,
High Court of Madras,
Chennai.



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DR.G.JAYACHANDRAN, J.

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Crl. OP 3708 of 2023

20-11-2023