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Crl OP No. 12082 / 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**Criminal Original Petition No. 12082 of 2021
and**

Crl.M.P. Nos. 6821 & 6823 of 2021

1. Saravanan

2. Mahendran

3. Pravin Kumar

4. Vijayakumari

5. Santhanalakshmi

... Petitioners

Versus

1. State rep., by,
Inspector of Police,
Cheyyur Police Station,
Chengalpattu District.

2. Govindammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records in C.C. No. 60 of 2021 on the file of the District Munsif-cum-Judicial Magistrate, Cheyyur, Chengalpattu District and quash the proceedings therein.

For Petitioners : Mr. R. Premraj.

For Respondents : Mr. S. Balaji,



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Government Advocate (Crl.Side) for R1.

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ORDER

The petition is to quash the private complaint filed in C.C. No. 60 of 2021 for the alleged offence under Sections 147, 148, 294(b), 323, 506(ii) of the Indian Penal Code read with Section 4 of the Tamil Nadu Prohibition of Women Harassment Act.

2. It is alleged in the complaint that the petitioners had prevented the second respondent from using her agricultural land and had attacked her with logs.

3. The learned counsel for the petitioners submitted that a property dispute is sought to be projected as a case of causing hurt and criminal intimidation. The learned counsel further submitted that the second respondent had earlier given a Police complaint before the first respondent Police and the same was closed on the ground that it was a civil dispute. The second respondent suppressing the fact of closure of the Police complaint had filed the impugned complaint.



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4.This Court finds that the points raised by the petitioners are all factual in nature and has to be adjudicated only before the trial Court. Hence, this Court is not inclined to entertain this petition. However, the learned counsel for the petitioners prays that the petitioners' appearance may be dispensed with before the trial Court. Hence, the appearance of the petitioners before the trial Court is dispensed with unless the learned Magistrate considers their presence necessary for the progress of trial.

5.With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

08.06.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To



Crl OP No. 12082 / 2021

1. The Inspector of Police,
Cheyyur Police Station,
Chengalpattu District.

SUNDER MOHAN, J

ay

2. The District Munsif-cum-Judicial Magistrate,
Cheyyur,
Chengalpattu District.

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

Crl.O.P. No.12082 of 2021
and
Crl.M.P. Nos. 6821 & 6823 of 2021



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