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Crl.O.P.No.16761 of 2023 etc., (batch cases)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.16761 of 2023, 9900 and 14551 of 2022, 16763, 16766 and
17889 of 2023
and Crl.M.P.Nos.5822, 5824, 8009 and 8015 of 2022, 10775, 10776, 10778,
10779, 10785, 10786, 11786 and 11787 of 2023

In Crl.O.P.No.16761 of 2023 :

Ganesan

.. Petitioner

Versus

1. The State rep. by
The Inspector of Police,
Uthangarai Police Station,
Uthangarai.
(Crime No.1602 of 2020)

2. Priya

.. Respondents

Prayer in Crl.O.P.No.16761 of 2023 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the C.C.No.59 of 2022 on the file of the learned Judicial Magistrate, Uthangarai, Krishnagiri District and quash the same in respect of the petitioner.



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In Crl.O.P.Nos.16761, 16763 and 16766 of 2023 :

For Petitioners : Mr.B.Kumarasamy

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for R1

: Mr.T.Mohan, Senior Counsel
for Mr.P.Muthusamy, for R2

In Crl.O.P.Nos.9900 and 14551 of 2022 and 17889 of 2023 :

For Petitioners : Mr.T.Mohan, Senior Counsel
for Mr.P.Muthusamy

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for R1

: Mr.B.Kumarasamy, for R2

ORDER

The subject matter of challenge in all these quash petitions pertains to the proceedings in C.C.Nos.112 of 2019, 104 of 2018, 59 of 2022 and 110 of 2019 and S.T.C.Nos.165 of 2022 and 792 of 2019 pending before the learned Judicial Magistrate, Uthangarai, Krishnagiri district.

2. When Crl.O.P.Nos.14551 and 9900 of 2022 came up for hearing on 25.07.2023, this Court passed the following order:-



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"The learned counsel for the 2nd respondent submitted that based on the complaint given by one of the petitioner in these petitions and his daughter-in-law, FIRs came to be registered and the same culminated into a final report and the same has been put to challenge in Crl.O.P.Nos.16761, 16763 and 16766 of 2023. Learned counsel submitted that all these petitions are yet to be posted for admission.

2. Considering the fact that the dispute involved between the same parties, this Court is inclined to hear these petitions alone with Crl.OP.Nos.16761, 16763 and 16766 of 2023.

3. Post these petitions along with Crl.OP.Nos.16761, 16763 and 16766 of 2023 on 03.08.2023 under the same caption. Learned counsel for the 2nd respondent shall serve the papers in the above three criminal original petitions to the counsel appearing on behalf of the petitioners in these petitions."

3. Heard Mr.B.Kumarasamy, learned Counsel for the petitioner in Crl.O.P.Nos.16761, 16763 and 16766 of 2023 and for the second respondent in Crl.O.P.Nos.9900 and 14551 of 2022 and 17889 of 2023, Mr.T.Mohan, learned Senior Counsel for the petitioners in Crl.O.P.Nos.9900 and 14551 of 2022 and 17889 of 2023 and for the second respondent in Crl.O.P.Nos.16761, 16763 and 16766 of 2023 and Mr.A.Damodaran, learned Additional Public Prosecutor for the first respondent in all the cases.



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4. The dispute is as among the brothers. The nature of dispute pertains to the right and title over a property. It seems that the brothers are residing in adjacent properties and every time, there is some dispute which results in the registration of an F.I.R and which culminates in the filing of a Final Report before the Court. Thereby, six cases are now pending in C.C.Nos.112 of 2019, 104 of 2018, 59 of 2022 and 110 of 2019 and S.T.C.Nos.165 of 2022 and 792 of 2019, three against each other. In the considered view of this Court, the dispute among the parties will have to be resolved before a competent Civil Court. No useful purpose will be served in agitating the same before the Criminal Court and the criminal proceedings are not really going to bring the dispute to an end. All these disputes have taken place in the spur of the moment.

5. Taking into consideration the facts and circumstances of the case, nature of the dispute between the parties and also considering the relationship between the parties, this Court is of the considered view that the continuation of the criminal proceedings against each other will only result in further complications and it will become an unending dispute



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without any solution. The facts of this case do not really warrant a full-fledged trial and it actually requires a proper resolution before a competent Civil Court. This Court is inclined to quash all the proceedings against each other only with the hope that the parties will either amicably settle the dispute among themselves or they will agitate their dispute before the competent Civil Court. By quashing the proceedings, the tempers can be brought down to enable the parties to work out a settlement. The continuation of the criminal prosecution will end up nowhere and it will continue to haunt both the parties.

6. In view of the above discussion, the criminal proceedings in C.C.Nos.112 of 2019, 104 of 2018, 59 of 2022 and 110 of 2019 and S.T.C.Nos.165 of 2022 and 792 of 2019 are quashed and all these Criminal Original Petitions stand allowed. Consequently, connected miscellaneous petitions are closed.

04.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
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N.ANAND VENKATESH, J.

grs

To

1. The Judicial Magistrate,
Uthangarai, Krishnagiri District.
2. The Inspector of Police,
Uthangarai Police Station,
Uthangarai.
3. The Public Prosecutor,
High Court of Madras.

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