



CRL.O.P.No. 20078 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 20078 of 2019
and Crl.M.P.No. 10289 of 2019

1.P.Saravanan
2.Palanivel

... Petitioners

Vs.

P.Renugadevi

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in S.T.C.No.659 of 2019 on the file of the learned Judicial Magistrate No.I, Attur and quash the same.

For Petitioners : Mr.S.Chendur Eswaran

For Respondent : Mr.V.Jai Bharath,
Legal Aid Counsel.

ORDER

This petition has been filed to call for the records pertaining to the proceedings in S.T.C.No.659 of 2019 on the file of the learned Judicial Magistrate No.I, Attur and quash the same as against the petitioners.



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2. The case of the prosecution is that the respondent has lodged a private complaint that, on 31.05.2018 at about 9.00 a.m., when the petitioners were involved in medicinating their agricultural crops, the respondent's husband warned them to be careful, since the crops were already damaged. Enraged at this, petitioners threatened him with dire consequences and also attempted to strangulate his neck. Though, the complaint was lodged before the jurisdiction police station, it was closed. Hence, the private complaint was filed.

3. Heard both sides and perused the records. Admittedly, both the family members are adjacent land owners of their respective lands. Petitioners were running business on organic broiler egg forming for the past several years. Therefore, there is a jealous on the respondent's side and they were keep on making issues as against the petitioners. In fact, petitioners have also initiated Civil Suit in O.S.No.55 of 2019 before the District Munsif, Attur, against the respondent's family and it is pending. While pending civil suit, in order to wreck vengeance, false complaint has been lodged against the petitioners. Infact, Jurisdiction Police has rightly closed the complaint, since no offence is made. However, without considering the same, trial Court has taken cognizance and issued summons to the petitioners. That apart, even according to the respondent, absolutely, there is no specific overt act as against the petitioners to



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charge the petitioners for the offence under Section 157(2) of IPC. Therefore, this Court is of the view that, entire proceedings cannot be sustained as against the petitioners and it is liable to be quashed as against the petitioners herein.

5. Accordingly, this Criminal Original Petition stands allowed and S.T.C.No.659 of 2019 on the file of the learned Judicial Magistrate No.I, Attur dated 22.02.2019 is hereby quashed as against the petitioners herein. Consequently, connected miscellaneous petition is closed.

06.10.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
sma/apd

To

Judicial Magistrate No.I, Attur.



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G.K.ILANTHIRAIYAN, J.

Sma/Apd

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