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Crl.O.P.No.22849 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22849 of 2023

and

Crl.M.P.Nos.16000 & 16001 of 2023

1. Ganeshkumar

2. Kuppabai

... Petitioners

Vs.

1. State Rep.by,
The Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District.

2. Mohanavel
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records pertaining to the C.C.No.64 of 2023 on the file of the learned Judicial Magistrate, Arni and quash the same.

For Petitioner : Mr.B.Gopalakrishnan

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



ORDER

Regarding property dispute, cognizable offence has been committed by two groups on 30.04.2023. Hence, respondent police has registered two cases. One in Crime No.299 of 2023 and another in Crime No.300 of 2023. In both the case, investigation completed and the same is pending before the learned Judicial Magistrate, Arani as C.C.No.64 of 2023 and C.C.No.66 of 2023. Petitioners herein are accused in C.C.No.64 of 2023.

2. The learned counsel for the petitioner submitted that property dispute ended in their favour after long litigation now been given criminal colour by defacto complainant and therefore, case has to quashed.

3. The learned Government Advocate (Crl. Side) submitted that on 30.04.2023, both the groups clashed over the property and case has been registered and it is now culminated in final report.

4. Since, cognizable offence prima facie made out, though it is due to the property dispute, it cannot be ruled out that, it is purely a civil dispute. Therefore, this Court is not inclined to entertain this quash petition.



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5. It is submission of the learned counsel for the petitioner submitted that, some of the accused are senior citizens. Therefore, this Court directs the trial Court to consider if any petition filed under Section 317 of Cr.P.C., for dispensed with the appearance of the petitioner positively, unless and until their physical presence is required for the progress of the trial.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

06.11.2023

Index : Yes/No

Neutral Citation : Yes/No

Sma

To:

1. The Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District.

2. The Public Prosecutor,
Madras High Court.



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Dr.G.JAYACHANDRAN,J.

Sma

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