



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25698 of 2023

and

Crl.M.P.Nos.17828 & 17829 of 2023

1. S.Kumar

2. K.Gowthami

... Petitioners

Vs.

1. The Sub Rep by its,
The Sub Inspector of Police,
Roshanai Police Station, Villupuram District.
Crime No.249 of 2023.

2. Revathi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the record to quash the C.C.No.122 of 2023 on the file of Judicial Magistrate No.I at Tindivanam, Villupuram District.

For Petitioner : Mr.E.Kandhan

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



ORDER

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Regarding enjoyment of property, two groups have fought. Police has registered complaint and taken up for investigation in Crime No.249 of 2023 and Crime No. 248 of 2023. After completion of investigation, two final reports were filed and both were taken on file by the learned Judicial Magistrate No.I, Tindivanam. Petitioners are accused in C.C.No.122 of 2023 registered on the complaint given by one Revathi W/o. Paulraj for the offence under Sections 294(b), 323, 324, 506(2) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The complaint given by the first petitioner is the subject matter of Crime No.248 of 2023, which was taken on file by the learned Judicial Magistrate I, Tindivanam in C.C.No.140 of 2023.

2. It is the submission of the learned counsel for the petitioner that, it is a civil dispute which has given criminal colour. However, from the statement of the witnesses under Section 161 of Cr.P.C., as well as the counter complaint filed by the petitioner herein against the other parties indicates that, on 20.06.2023, two groups have fought for the property and the members of both the parties have sustained injuries and admitted in



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Tindivanam Government Hospital. The parties have also gone to Civil Court for ascertaining their right. While there is property dispute, parties have taken the law into their hands and involved in attacking each others. Hence, police have taken cognizance of the offence and proceeded.

3. In the light of the above facts, this Court is of the opinion that, the case cannot be quashed just because there is a civil suit pending between the parties.

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

09.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

1. The Sub Inspector of Police,
Roshanai Police Station,
Villupuram District.
2. The Public Prosecutor,
Madras High Court.

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Dr.G.JAYACHANDRAN,J.

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