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Crl.O.P.No. 30234 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM:

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

Crl.O.P.No. 30234 of 2018

and

Crl.M.P.No.17764 of 2018

1. C.Athimoolam
2. A.Kamal
3. A.Arun

.... Petitioners

Vs

1. State. Rep by
The Sub Inspector of Police,
Sholinghur Police Station,
Vellore District – 631 102.

2. S.Mani

.... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.93 of 2018 on the file of the Judicial Magistrate, Sholinghur and quash the same.

For Petitioners : Mr.Arun Ilango

For R1 : Mr.L.Baskaran
Government Advocate (Crl.Side)

For R2 : No appearance



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.93 of 2019 on the file of the Judicial Magistrate, Sholinghur.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

3. The case of the prosecution is that on 24.08.2018 at about 8.45 p.m., when the petitioners and other labourers, in order to construct a house, dug up for basement, it was questioned by the second respondent, immediately, the petitioners attacked him with stones and wooden log. They also scolded him in filthy language and threatened him with dire consequences. Hence, the complaint.

4. On the complaint lodged by the second respondent, the first respondent registered FIR in Crime No.378 of 2018 for the offences under Sections 294(b), 324 and 506(ii) of IPC. For the very same incident, the third petitioner herein lodged a complaint in Crime No.379



of 2018 for the offences under Sections 294 (b), 324 and 506(ii) of IPC, in which, the petitioners also sustained injuries. Both the parties went to the hospital which certified that injuries sustained by them as simple in nature. Admittedly, there is a dispute in respect of ownership of the subject property.

5. After completion of investigation in both FIRs, the first respondent filed final reports. Insofar as the Crime No.378 of 2018 is concerned, the Trial Court has taken cognizance in C.C.No.93 of 2018. Insofar as the Crime No.379 of 2018 is concerned, the Trial Court has taken cognizance in C.C.No.96 of 2018.

6. A perusal of the records reveals that both cases are pending against either party. They are also facing very same set of charges. All the allegations are civil in nature. Therefore, continuation of the proceedings would not serve any purpose, since there is no possibility for conviction. Hence, in order to meet the ends of justice, this Court is inclined to quash the proceedings in C.C.Nos.93 & 96 of 2018 on the file of the Judicial Magistrate, Sholinghur.



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CrI.O.P.No. 30234 of 2018

7. In view of the above discussions, the proceedings in C.C.Nos.93 & 96 of 2018 on the file of the Judicial Magistrate, Sholinghur, are hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

10.11.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Lpp

To

1. The Judicial Magistrate,
Sholighur.

2. The Sub Inspector of Police,
Sholinghur Police Station,
Vellore District – 631 102.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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