



Crl.O.P(MD).No.804 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.03.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.804 of 2020

1.Ramesh
2.Ebanezer
3.Raji
4.Manoharan

...Petitioners

Vs

Thulasimani

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records in C.C.No.207 of 2019 pending on the file of the learned Judicial Magistrate No.I, Padmanabhapuram and quash the same against the petitioners.

For Petitioners

: Mr.A.Balakrishnan

For Respondent

: Mr.S.J.Chakkaravarthy

Government Advocate (Crl. Side)

ORDER

This petition is filed to quash the chargesheet in C.C.No.207 of 2019 pending on the file of the learned Judicial Magistrate No.I, Padmanabhapuram.



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2.The allegation against the petitioners is that there was some money dispute between the defacto complainant's son by name Veera Manikandan and A5 and that A5 was having acquaintance with Thuckalay Police and he influenced them to foist a false case against the defacto complainant and his family members and on 09.01.2019 at about 12.00 a.m., all the accused trespassed into the house of the respondent and they damaged the household articles and when the same was questioned by the defacto complainant, they abused the defacto complainant and threatened him with dire consequences and they damaged articles worth about Rs.25,000/- (Rupees Twenty Five Thousand only). On 10.01.2019, the defacto complainant filed a complaint before the Thuckalay Police Station and subsequently, another complaint before the Superintendent of Police and then he lodged a private complaint before the Magistrate.

3.On the side of the petitioners, it is stated that the respondent filed a complaint under Section 156(3) of Cr.P.C., and then he filed another petition in C.M.P.No.929 of 2019 to treat the complaint as a private complaint and the same was allowed on 28.03.2019. The defacto complainant is an accused in Crime No.731 of 2014 registered by Kottar Police Station for an offences under Sections 8(c) r/w. 20(b), 11(b) of NDPS Act and 25 of NDPS Act. The chargesheet was filed and taken on file on the file of the Special Court NDPS



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Act cases, Madurai. The defacto complainant is having connection with National Level Kanja mafia and that he is under surveillance of special team of police. Only to threaten the police, the defacto complainant has lodged this false complaint. The complaints and the private complaints were lodged only to prevent the surveillance by the special team of Police, who prevent the defacto complainant from doing his Kanja business.

4.It is further stated that the petitioners never trespassed into the respondent's house. The offence under Section 448 of IPC is not made out. The defacto complainant has filed a complaint before the Superintendent of Police only on 21.01.2019. But in a hasty manner, he filed a private complaint. There is no common object for the petitioners and they they were not unlawfully assembled and that the offence under Section 147 of IPC is not made out. There is no material available in the complaint to attract the offence under Section 294(b) of IPC. There was no trespass or mischief under Section 427 of IPC. The allegation under Section 506(ii) of IPC is vague and insufficient to attract an offence and prayed the FIR to be quashed.

5.On the side of the prosecution, it is stated that there was some money dispute between the respondent and A5. A5 was having acquaintance with police persons and on his instigation and in the guise of search, the petitioners



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1 to 4 and two more unnamed persons entered the house of the respondent and they caused damage to the household articles and they abused and threatened the respondent. The occurrence took place on 09.01.2019. The petitioners filed a complaint on 10.01.2019. since no action was taken, the petitioners filed another complaint on 21.01.2019 before the Superintendent of Police and the respondent has filed a private complaint.

6.On the side of the petitioners, by way of reply, it is stated that there is no proof that the petitioners filed a complaint on 10.01.2019 and that A5 was not known to the petitioners. On the side of the petitioners, it is stated that the respondent used to purchase Kanja from a person from Andhra Pradesh and he used to sell it to the local small sellers.

7.Records perused. A case was registered against the defacto complainant herein in Crime No.731 of 2014 under Sections 8(c) r/w. 20(b), 11(b) of NDPS Act and 25 of NDPS Act on 26.08.2014 and the case was taken on file as S.C.No.121 of 2015 on the file of the Special Court for NDPS Act, Madurai. The chargesheet and case particulars in Crime No.731 of 2014 was attached with the typed set of papers.



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9.What was the money dispute between A5 and the respondent was not narrated in the complaint. In what way the petitioners are connected with A5 is not narrated in the complaint. The allegation in the complaint is that the defacto complainant tried to foist a false case against the petitioners. But a perusal of the records reveals that there was already a criminal case against the respondent. There is no explanation as to the relationship between the A1 to A4 with A5 and hence, the motive for the petitioners against the defacto complainant was not explained.

10.In view of the above, this Criminal Original Petition is **allowed** and the private complaint against the petitioners are hereby quashed. Consequently, connected miscellaneous petition is closed.

29.03.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn

To

- 1.The Judicial Magistrate No.I, Padmanabhapuram.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R. THARANI,J.

Mrn

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