



Crl.O.P(MD).No.14762 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On: 14.03.2023

Delivered On : 01.06.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.14762 of 2020

and

Crl.M.P.(MD)Nos.6987 and 6988 of 2020

1.Thoulath Banu

2.Mohammed Unus

...Petitioners

Vs

Seyed Ammal

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records in connection with the case in impugned private complaint filed under Sections 200 of Cr.P.C., in C.C.No.47 of 2016 on the file of the Judicial Magistrate Court, Mudukulathur and pending before the learned Judicial Magistrate, Mudukulathur, Ramanathapuram District and quash the same as against the petitioners/accused.

For Petitioners

: Mr.A.Aruputharaj

For Respondent

: Mr.D.Senthil

ORDER

This petition is filed to quash the private complaint in C.C.No.47 of 2016 before the learned Judicial Magistrate, Mudukulathur.



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2.The case of the prosecution is that the petitioners and the defacto complainant are having some land dispute. The first petitioner and four sisters executed a release deed in favour of the defacto complainant's husband on 02.06.2003 with regard to a land with an extent of 262 square feet. The defacto complainant's husband died on 2008 The defacto complainant was enjoying the property. The first petitioner executed a registered gift deed in favour of A2 on 27.01.2005. The defacto complainant approached the Land Grabbing Cell and lodged a complaint and the complaint was closed by the concerned Department. Thereafter she filed a complaint under Section 200 of Cr.P.C., before the learned Judicial Magistrate.

3.On the side of the petitioners, it is stated that on receipt of summon from the Court, the petitioners filed a preliminary objection and the preliminary objection was dismissed by the Court. The petitioners filed a criminal revision before this Court and the criminal revision was dismissed by this Court. The petitioners are aged persons and the dispute is civil in nature. A civil case is converted into a criminal case.



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4. On the side of the petitioners, it is further stated that the case is civil in nature. There is no specific overt act against the petitioner. There was no life threat against the defacto complainant. The defacto complainant did not seek for police protection. The petitioners should not be subjected to unnecessary torment of investigation. The civil case in O.S.No.95 of 2017 was dismissed on 05.11.2019 and the petitioners proposed to file an appeal and prayed the case is to be quashed.

5. On the side of the respondent, it is stated that the case filed by the petitioners was dismissed. The Criminal Revision Case in Cr.RC.(MD)No.864 of 2019 filed before this Court, was also dismissed. Only on the same state of facts, the petitioners have approached this Court for quashing the case. The release deed was executed in favour of the husband of the respondent. Later the first petitioner executed a gift deed in favour of the second petitioner. The civil suit in O.S.No.95 of 2017 is still pending. In the revision petition, this Court has made an observation that a prima facie is made out and prayed the petition is to be dismissed.

6. It is seen that summon was issued to the petitioners and the petitioners filed a preliminary objections and the same was dismissed. Against the



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dismissal of the objection, the petitioners approached this Court by way of revision and the revision petition in Crl.R.C.(MD)No.864 of 2019 was dismissed by this Court. There is no change of circumstances for filing the present petition. The entire petition is based on the facts and circumstances that were placed before this Court on that time of filing of the revision petition in Crl.R.C.(MD)No.864 of 2019. No new grounds were raised by the petitioners in this petition. The charge against the petitioners is forgery under Sections 420, 467 and 468 of IPC. The alleged offences are serious in nature. Whether there was any forgery can be decided only after getting a report from the hand writing expert and on the examination of witnesses. There is some prima facie case made out against the petitioners.

7.In the above circumstances, it is not fair to quash the case at the threshold. The case requires a detailed trial. Hence, this Criminal Original Petition is **dismissed**. Consequently connected miscellaneous petitions are closed.

01.06.2023

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



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To

- 1.The Judicial Magistrate,
Mudukulathur,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R. THARANI,J.

Mrn

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