



Crl.O.P.No.15061 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:27.06.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Criminal Original Petition No.15061 of 2024

1.Bhuvaneswari

2.Nithiya

.. Petitioners

/versus/

1.State represented by
Inspector of Police,
B1, Town Central Police Station,
Nilgiris at Ooty.

2.Gayathri

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for records and quash the charge sheet in C.C.No.13 of 2023 on the file of Judicial Magistrate Court at Udhagamandalam.

For Petitioners	:Mr.V.Vinnoli
For Respondents	:Mr.S.Udaya Kumar
	Govt.Advocate (Crl.Side) for R1



Crl.O.P.No.15061 of 2024

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ORDER

This petition is filed to quash the final report culminated in taking cognizance by the Judicial Magistrate, Udthagamandalam, in C.C.No.13 of 2023.

2.The learned counsel appearing for the petitioners submitted that the shop in dispute was originally allotted by the Adi Dravidar and Tribal Welfare Department to the father of these petitioners. After demise of his father Gobi, the shop was under the possession and enjoyment of the petitioners. While so, the defacto complainant made an attempt to disturb their possession and hence, the complaint has already been lodged with the respondent police and the same is pending for enquiry in Crime No. 170 of 2021. While so, a civil suit initiated by the defacto complainant and the same is pending before the District Munsif Court, Ooty. A false complaint has been registered against them in Crime No.88 of 2022, dated 11.04.2022 as if these petitioners have used to obscene language and attacked the defacto complainant Gayathri, wife of



Crl.O.P.No.15061 of 2024

Premkumar. Therefore, the case has to be quashed, since no material to attract the ingredients of the said offences.

3. The learned Government Advocate (Crl.Side) submitted that the petitioners and the defacto complainant have a dispute over the shop, which belongs to the Municipality. Though the father of the petitioner was originally allotted the shop, the possession has been transferred to Premkumar, who is the husband of the defacto complainant. There is an interim order in the civil suit in favour of the defacto complainant. While so, the incident of causing hurt and abuse occurred on 11.04.2022, which is the subject matter of the case pending in C.C.No. 13 of 2023. Since this Court finds materials to frame charge against these petitioners and proceed for the offences under Sections 294(b), 323, 324 and 506(2) of IPC, the case cannot be quashed as purely civil dispute. Accordingly, this Criminal Original Petition is dismissed.

27.06.2024



Crl.O.P.No.15061 of 2024

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Index:yes/no
Speaking order:yes/no
Neutral Citation:yes/no
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To:

- 1.The Judicial Magistrate Court at Udhagamandalam.
- 2.The Inspector of Police, B1, Town Central Police Station,
Nilgiris at Ooty.
- 3.The Public Prosecutor, High Court, Madras.



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Crl.O.P.No.15061 of 2024

DR.G.JAYACHANDRAN,J.

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Crl.O.P.No.15061 of 2024

27.06.2024