



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2066 of 2024
and Crl.MP.No.1460 of 2024

- 1.Andamuthu
- 2.Mutharasu
- 3.Karuppannan
- 4.Tmt.Dhanalakshmi
- 5.Tmt.Hema
- 6.Tmt.Sunthari @ Sunthiramal

... Petitioners/ A1 to A6

.vs.

- 1.State rep.by
The Inspector of Police
Kolathur Police Station
Mettur Taluk
Salem District.

.. Respondent /Investigation Officer

(Crime No.255/2022)

- 2.Tmt.Krishnaveni

..Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the final report in C.C.No.560 of 2023 dated 30.07.2023 on the file of the Judicial Magistrate No.I, Mettur quash the same.

For Petitioners : Mr.V.Elangovan

For Respondents : Mr.A.Gopinath
Government Advocate for R1



ORDER

WEB COPY

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 147, 148, 294(b), 323, 324, 506(ii), 326 and 506(i) of IPC.

2.The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. The facts of this case and grounds raised the quash petition does not fall within the parameters laid down by the Apex Court in **Bhajan Lal case** reported in **(1992) Suppl (1) SCC 335**. It is left open to the petitioners to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned Government Advocate (Crl.Side) on instructions submitted that there was a case and counter case in Cr.Nos.255 and 256 of 2022. Insofar as Crime No.255 of 2022 is concerned, the same resulted in C.C.No.560 of 2023, on the file of Judicial Magistrate No.I, Mettur. Insofar as Crime No.256 of 2022 s concerned, the same resulted in C.C.No.421 of 2023, on the file of Judicial Magistrate No.I, Mettur. Under such circumstances, the case has to be proceeded further in line with the judgment of the Apex Court in **Nathi Lal and others vs. State of Uttarpradesh**



and another reported in **1990 (Supp) SCC 145**. Hence, there is no question of entertaining this criminal original petition.

4. The dispute was among the family members in a pathway. Ultimately, if the family members are able to reach a settlement, it will always be left open to move a fresh quash petition based on the compromise. If any such petition is filed, this Court can record the compromise and quash both the proceedings.

5. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners (**A3 to A6**) is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

07.02.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP



N. ANAND VENKATESH., J

KP

To

- 1.The Inspector of Police
Kolathur Police Station
Mettur Taluk
Salem District.
2. Judicial Magistrate No.I, Mettur
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

Crl.O.P No.2066 of 2024

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