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CrI.O.P.No.30413 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.30413 of 2024

and

CrI.M.P.Nos.17253 and 17265 of 2024

1.Rajalakshmi

2. Praveen @ Prabu

... Petitioners

Vs.

1. The State by its

Inspector of Police,

E3, Police Station,

Rayakotai,

Krishnagiri District – 635 116.

2. Gokula Krishnan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./528 BNSS, 2023, to call for the records and quash the records in C.C.No.43 of 2023 on the file of the District Munsif-cum-Judicial Magistrate Court, Denkanikottai.

For Petitioners : Mr.M.Madhuprakash

For Respondents : Mr.S.Sugendran

Additional Public Prosecutor for R1

R2 – Not ready in notice

ORDER



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This Criminal Original Petition is filed to quash the charge-sheet in C.C.No.43 of 2023 on the file of the District Munsif-cum-Judicial Magistrate, Denkanikottai.

2. Learned counsel for the petitioners submitted that there is a property dispute between the petitioners and the second respondent, who are none other than close relatives, in which, the first respondent had given a criminal colour to the civil case.

3. Learned Additional Public Prosecutor appearing for the first respondent/Police submitted that based on the complaint given by the second respondent/*de-facto* complainant, the first respondent/Police registered a case against the petitioners and also laid a charge-sheet in C.C.No.43 of 2023 on the file of District Munsif-cum-Judicial Magistrate, Denkanikottai against the petitioners for the offences under Sections 447, 294(b), 323 and 506(ii) IPC and the petitioners have been arrayed as A1 and A2. He further submitted that trial is yet to be commenced.

4. Heard the learned counsel for the petitioners and the learned



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Additional Public Prosecutor appearing for the first respondent and also perused the materials available on record.

5. There is no representation for the second respondent/*de-facto* complainant.

6. On a perusal of the records, it is seen that *prima facie* there are materials against the petitioners to proceed with the case further and the grounds taken by the petitioner are matter for trial and this Court is not inclined to entertain this petition and hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. The petitioners are at liberty to take all their defences before the trial Court during the trial in C.C.No.43 of 2023.

20.12.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

- 1.The District Munsif-cum-Judicial Magistrate,
Denkanikottai.
2. The Inspector of Police,
E3, Police Station,
Rayakotai,
Krishnagiri District – 635 116.
- 3.The Public Prosecutor,
High Court, Madras.



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