



Crl.O.P.No.6079 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.6079 of 2022
and
Crl.M.P.Nos.3376 & 3378 of 2022

1. M.Ponnusamy
2. S.Sengoda Gounder
3. S.Sengodan
4. K.Vadivel

... Petitioners

Versus

M.Muthusamy

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the complaint in C.C.No. 86 of 2019 on the file of Judicial Magistrate No.I, Sankari, Salem District and quash the same.



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For Petitioners : Mr.D.Balachandran
For Respondent : Mr.R.Marudhachalamurthy

ORDER

This Criminal Original Petition has been filed seeking to quash the private complaint initiated in C.C. No. 86 of 2019 on the file of Judicial Magistrate No.1, Sankari, Salem Dt.

2. Heard both sides.

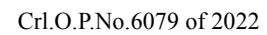
3. The petitioners are ranked as A1 to A4 in a private complaint in C.C.No.86 of 2019 initiated by the respondent/complainant under Sec.147, 148, 325, 382, 384, 294(b) and 506(ii) of I.P.C. The case of respondent/complainant is that his daughter was married to one Raja and the said Raja died within 72 days of a marriage. Thereafter, he tried to arrange for a remarriage for his daughter, but the petitioners, who are very important persons of the village objected the same, thereby there was an enmity between them. While being so, on 14.12.2017, father of complainant had expired and the petitioners have objected severely for



doing rituals of deceased person, due to which, villagers did not perform rituals of complainant's father. While being so, when there was a panchayat held on 02.05.2018, the petitioners and other 18 persons participated, in which, they alleged to have attacked the complainant and took a sum of Rs.15,000/- from his pocket. So, the complainant and one Senthil was injured and taken treatment. Accordingly, a complaint was lodged by him in C.C.No.86 of 2019. Aggrieved over that, the petitioners have filed this petition to quash the complaint.

4. The learned counsel for petitioners would submit that no such occurrence was happened on that day and even assuming that it is true, nearly about one year later, the alleged complaint was lodged. He would submit that due to some personal enmity, the respondent/complainant gave such a vexatious complaint, besides he had also filed a suit in O.S.No.33 of 2019 before the District Munsif Court, Sankari. Hence, he prayed to quash the proceedings initiated against them.

5. The learned counsel for respondent would submit that



6. Considering both side submissions, it reveals that there is an allegation that he was not permitted to worship the temple and even on the basis of document filed by the petitioner, it reveals that the alleged occurrence was happened on 06.05.2018, but the respondent gave a complaint only on 11.04.2019. So, immediately after the occurrence, the respondent has not given any complaint to the police nor produced any document to show that the complaint was filed before the police, however nearly about one year later, he filed a complaint. But the learned Judge had taken cognizance of complaint without assigning proper reasons for taking the case on file. Moreover, with regard to the same matter, a civil suit also filed by the respondent and the same is pending before the District Munsif Court, Sankari in O.S.No.33 of 2019.



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Therefore, on considering all these facts, the reason assigned by the petitioners is justifiable one and there is no basic ingredient to attract the offence initiated against the petitioners. Furthermore, the reason assigned by the petitioners is that though the alleged occurrence happened on 06.05.2018, the complaint was filed only on 11.04.2019 after 11 months, but without considering the same, the trial judge taken the complaint on file, as such is unacceptable one. Hence, I do not find any merit in the criminal case initiated against the petitioners and the same is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against the petitioners in a private complaint in C.C.No.86 of 2019 on the file of Judicial Magistrate No.1, Sankari, Salem District is quashed. Liberty is granted to the respondent to work out his remedy before the civil forum and to putforth all his defence without influence of this order. Consequently, connected Criminal Miscellaneous Petitions are closed.

26.02.2024

Index: Yes/No

Internet: Yes/No



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T.V.THAMILSELVI, J.

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