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Crl.O.P.No.5577 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.5577 of 2023

and

Crl.M.P.Nos.3498 & 3496 of 2024

1. Mr.C.Srinivasalu.
2. Mrs.S.Manjula.
3. Mr.S.Charan Yadav @ Charan.
4. Mr.M.Murugesan @ Murugesu.
5. Mr.S.Raveendra Reddy
@ Raveendranath Reddy. ... Petitioners/Accused 1 to 5

/versus/

- 1.State By
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri. ... 1st Respondent/Complainant

2. Mr.Venkatesan ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.528 of 2022 pending on the file of Judicial Magistrate No.II. Hosur and quash the same.

For Petitioners : Mr.Nagarajan

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

For R2 : Mr.A.Balamurugan



CrI.O.P.No.5577 of 2023

ORDER

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This petition is filed to quash the final report culminating in taking cognizance of the offences under Section 147, 294(b) and 506 (2) of I.P.C., in C.C.No.528 of 2022 on the file of Judicial Magistrate – II, Hosur.

2. The learned Counsel appearing for the petitioner submits that the property dispute between the family members had led to some minor altercation between the parties on 10.07.2022. The matter was reported to the respondent police and after enquiry it was closed as civil dispute. However, on a private complaint under Section 156 (iii) of Cr.P.C., the respondent police has taken up the complaint and on completion of investigation final report filed. Stating that already a civil suit and arbitration proceedings are pending and it is purely a civil dispute which has been given a trapping of criminal nature to rick vengeance against the petitioner herein who has initiated criminal prosecution against the defacto complainant in the year 2019.

3. After notice, the Learned Counsel for the respondent/defacto complainant appeared through counsel and submitted that there is an audio and video evidence to substantiate the criminal intimidation. Since the case is not



Crl.O.P.No.5577 of 2023

mere a civil dispute but threat of dire consequence by members of unlawful assembly, the case does not fall within the parameters enunciated by the Hon'ble Supreme Court to quash the final report.

4. After hearing the Learned Counsels for some time and perusing the record, this Court finds that though substantially it is property dispute between the family members, after initiating suits and arbitration proceedings, the present incident has happened on 22.07.2022. After investigation as per the direction of the Judicial Magistrate, final report been filed and same taken on file by the Judicial Magistrate.

5. In view of the fact that the material collected on the face of it sufficient to frame charge and proceed. The case cannot be terminated by quashing without appreciation of evidence. Hence, the petition to quash in C.C.No.528 of 2022 is dismissed. Since earlier case registered against this defacto complainant/respondent is also pending before the same Court in C.C.No.118 of 2022, it is suffice to direct the trial Court to take up both the case and dispose it of as early as possible.



CrI.O.P.No.5577 of 2023

WEB COPY

6. With the above direction, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

07.06.2024

Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:-

- 1.The Judicial Magistrate No.II. Hosur
- 2.The Inspector of Police, Hosur Town Police Station, Krishnagiri.
- 3.The Public Prosecutor, High Court of Madras, Chennai.



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CrI.O.P.No.5577 of 2023

Dr.G.JAYACHANDRAN, J.

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CrI.O.P.No.5577 of 2023
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