



Crl.O.P.No.8926 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8926 of 2022
and
Crl.M.P.No.5183 of 2022

Thambi @ Kaaliyannan

... Petitioner

Vs.

K.Arumugam

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in connection with C.C.No.33 of 2020 on the file of the learned Judicial Magistrate, Paramathi and quash the same.

For Petitioner : M/s.S.Ganeshkumar

For Respondent : No appearance

ORDER

This petition has been filed to quash the C.C.No.33 of 2020 on the file of the learned Judicial Magistrate, Paramathi, in which cognizance was taken for the offence punishable under Sections 294(b), 430, 506(ii) of IPC.

2. The case of the complainant is that he is owning the property to an



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extent of acre 4 and 61 cents comprised in Survey No.192/1B in Sengapalli village is being cultivated through the water from the tank of river water canal passing in between the fencing of the adjacent land to an extent of acre 2 and 14 cents comprised in Survey No.192 / 1A. On 11.10.2019 when the respondent was irrigating water to his land the petitioner and others came to his land and closed the water canal when the same was questioned by the respondent and his wife, the second and third accused with arrival and other accused with manvetti chased the respondent and threatened that they will lodge complaint under SC ST Act.

3. Based on the complaint lodged by the defacto complainant, CSR.No.184 /2019 was issued on 17.10.2019 before the Inspector of Police, Velur Police Station and the same was taken in C.C.No.33 of 2020 on the file of the Judicial Magistrate, Paramathi.

4. The learned counsel for the petitioner submitted that the respondent police enquired the same and confirmed the disputed land belongs to the petitioner and advised the defacto complainant to approach the Civil Court for his grievances if any. The defacto complainant instead of approaching



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the Civil Court has given a Criminal colour and lodged a complaint against him and also there is no specific overt act alleged as against the petitioner.

Hence, he prays to quash the proceedings against the petitioner.

5. On a perusal of the records, it reveals that there was a land dispute between the petitioner and the defacto complainant and now the defacto complainant has also not enclosed any document to show that he was already given complaint to the police and the facts also reveals that it is a dispute with regard to land and it is a Civil in nature, and also there is no specific allegations as against the petitioner, therefore this Court is inclined to quash the C.C.No.33 of 2020 on the file of the learned Judicial Magistrate, Paramathi.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No

Neutral Citation: Yes/No

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T.V.THAMILSELVI, J.

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