



Crl.O.P.No.9902 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM:

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

Crl.O.P.No.9902 of 2022

and

Crl.M.P.No.5825 of 2022

1. Thandapani
2. Sanmugamoothy
3. Maragatham
4. Sanmuga Vadivu
5. Duraisamy

... Petitioners

Versus

1. State rep. by
The Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore Dt.
(Crime No.441 of 2017)

2. Senbagavalli

... Respondents



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PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned C.C.No. 251 of 2018 on the file of the learned Judicial Magistrate Court No.VII, Coimbatore and quash the same.

For Petitioners : Mr.K.Govi Ganesan

For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 251 of 2018 on the file of learned Judicial Magistrate Court No.VII, Coimbatore.

2. Heard both sides.



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3. The petitioners are ranked as A1 to A5 in the F.I.R. in Crime No.441 of 2017 registered for the offence under Sec.147, 294(b), 427, 506(2) and 447 of I.P.C. Subsequently, the charge sheet has been filed and the same was taken on file in C.C.No.251 of 2018 on the file of Judicial Magistrate No.VII, Coimbatore and the same is pending. Now, the petitioner had filed this petition praying to quash the said charge sheet.

4. The learned counsel for petitioners would submit that there is no alleged occurrence was happened and they have been falsely implicated in this case by the 1st respondent police as per the complaint given by the 2nd respondent/defacto complainant. In fact, already a civil dispute is pending with regard to their property concerned and all were senior citizens. So, without any materials evidence, they were falsely prosecuted in this case. Hence, they prayed to quash the proceedings initiated against them.



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5. By way of reply, the learned Government Advocate (Criminal side) appearing for 1st respondent has raised objections, but admits that already a civil dispute is pending between the parties with regard to enjoyment of land. Hence, he prayed to dismiss this petition.

6. Records perused. On perusal of records, it reveals that as per the complaint given by the 2nd respondent/defacto complainant, on 21.09.2017 while the petitioners were in their land, the petitioners came there, trespassed and also attempted to attack her with wooden log and also used obscene words against her. But, the complaint was given only on 16.10.2017 near about 3 weeks later and based on that, F.I.R. was lodged against them. However, the fact reveals that all the petitioners are aged more than 65 year at the time of filing of F.I.R. and by this time, now they have attained more than 70 years and they are senior citizens. Moreover, as per the complaint, there is no reason assigned why the F.I.R. was lodged after 15 days of the alleged occurrence. Admittedly, there is a



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civil dispute with regard to enjoyment of land pending between parties.

Moreover, the complaint might have been given falsely by giving a criminal colour to the civil dispute. Hence, I do not find any merit in the charge sheet 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 charge sheet in C.C.No.251 of 2018 on the file of Judicial Magistrate Court No.VII, Coimbatore is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

05.02.2024

Index: Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore Dt.

2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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