



WEB COPY



Crl.O.P.No.9445 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9445 of 2022
and
Crl.M.P.Nos.5509 & 5511 of 2022

1.Murugesan
2.Shanmugam

... Petitioners

Vs.

1.The State
rep. by Inspector of Police,
Anupparpalayam Police Station,
Tiruppur City.

2.Radharani

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the entire records pertaining to the final report in C.C.No.470 of 2021 pending on the file of the Judicial Magistrate, Avinashi and quash the same.

For Petitioner	: M/s.Dharani Subramanian
For R1	: Mr.S.Vinoth Kumar Govt. Advocate (Crl.Side)
For R2	: Mr.J.Franklin



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ORDER

The petitioners have filed this petition to quash the C.C.No.470 of 2021 pending on the file of the Judicial Magistrate, Avinashi.

2. When the matter is taken up for hearing the learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that already trial has begun and out of 13 witnesses 5 witnesses were examined. He further submitted that the petitioners have come forward with the undertaking affidavit stating that not to cause any interference in the alleged property until disposal of the appeal in A.S.No.44 of 2015, pending before the learned Subordinate Judge, Avinashi.

3. Admittedly, the petitioners are father and son, already there was a land dispute between the petitioners and the defacto complainant since 1996 onwards. The husband of the defacto complainant filed a suit in O.S.No.229 of 1996 and the same was decreed in favour of the defacto complainant's family, against which the petitioners have filed appeal in A.S.No.44 of 2015, on the file of the Subordinate Court, Avinashi.



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4. Considering the facts and circumstance, already there was a Civil dispute pending between the defacto complainant and the petitioners. On considering the age of the 1st petitioner, this Court is inclined to quash the proceeding in C.C.No.470 of 2021, pending on the file of the Judicial Magistrate, Avinashi, against A1 alone. In respect of the 2nd petitioner, he is directed to work out the remedy before the trial Court in the manner known to law.

5. Accordingly, this Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

09.02.2024

Index: Yes/ No
Neutral Citation: Yes/No
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To

- 1.The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur City.
- 2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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