



WEB COPY



Crl.O.P.No.14070 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2024

CORAM :

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

Crl.O.P.No.14070 of 2022
and
Crl.M.P.Nos.7666 & 7667 of 2022

1.Alex
2.Kumar
3.Malliga

... Petitioners

Versus

1.The Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore.
Crime No.74 of 2019.

2.Usha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records in STC No.80 of 2019 pending on the file of the Judicial Magistrate Court-I, Chidambaram and quash the same.

For Petitioners	: Mr.M.Mohamed Saipulla
For R1	: Mr.S.Vinoth Kumar
	Government Advocate (Cr.Side)
For R2	: Mr.P.Muthukumarasamy



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ORDER

This petition has been filed to quash the impugned final report in STC.No.80 of 2019 pending on the file of the Judicial Magistrate No.I, Chidambaram. Based on the complaint, FIR was lodged in Crime No.74 of 2019 for the offences under Sections 294(b), 323 of IPC.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours, for fencing of land, there was a dispute among them, due to which wordy quarrel arose, thereafter the petitioners abused and assaulted the defacto complainant. Hence, the complaint.

3.. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they were falsely implicated in this case. Both the petitioners and the defacto complainant are neighbours, in respect of fixing the fence there was a wordy quarrel between them. He further submitted that counter case also registered in Crime No.73 of 219. Hence, he prays to quash the proceedings in STC.No.80 of 2019.

4. he counsel for the defacto complainant submitted that based on the complainant given by the defacto complainant, the petitioners have lodged another FIR in Crime No.73 of 2019, under Section 294(b), 323, 324 &



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506(2) of IPC, which is also pending as on date.

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5. Considering the facts and circumstances, out of wordy quarrel, the alleged two FIRs came into force, since both are neighbours. In respect of fixing of fencing there was a wordy quarrel on that day and it is purely Civil in nature. Hence, this Court is inclined to quash the proceedings in STC No.80 of 2019 (Crime No.74 of 2019) pending on the file of the Judicial Magistrate Court-I, Chidambaram as well as proceedings pending in Crime No.73 of 2019.

6. Accordingly, this Criminal Original Petition is allowed
Consequently, the connected Miscellaneous petitions are closed.

28.02.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No

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To

- 1.The Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore. Crime No.74 of 2019.
- 2.The Public Prosecutor, High Court of Madras.



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T.V.THAMILSELVI, J.

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