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Crl.O.P.No.13834 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.13834 of 2022
and
Crl.M.P.Nos.7499 & 7501 of 2022

1.Sivakumar
2.Lakshmi
3.Somakumari
4.Parameshwari

... Petitioners

Vs.

1.State rep. By
The Inspector of Police
Periyamayakkan Palaiyam Police Station,
Coimbatore.

2.Usha

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.1600 of 2019 on the file of the Judicial Magistrate-V, Coimbatore and quash the same.

For Petitioners : Mr.R.Thirumoorthy

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



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ORDER

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The petitioners have filed this petition to quash the C.C.No.1600 of 2019 on the file of the Judicial Magistrate-V, Coimbatore, having been taken cognizance for the offences punishable under Sections 294(b), 506(II) of IPC.

2. The case of the prosecution is that there was a land dispute among the petitioners and the defacto complainant, due to which there was a wordy quarrel among them. The petitioners abused and assaulted the defacto complainant with wooden log and threatened with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they were no way connected with the alleged offences made by the prosecution. He further submitted that already Civil suit is pending during the year 2009 in O.S.No.236 of 2004, thereafter, the petitioners have filed O.S.No.281 of 2009 on the file of the Munsif Court and obtained injunction order in I.A.No.327 of 2009, and the suit was dismissed on 01.04.2016. Immediately, appeal filed in A.S.No.13 of 2016



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and the same is pending before the learned Subordinate Judge, Coimbatore, such being the position the defacto complainant lodged a false complaint against them. Hence, he prays to quash the CC against the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that the petitioners are legal heirs of demised cultivating tenant Nagappa Gounder, from their great-grand father they are in possession of the land situated in S.F.No.449 and 519, to the total extent of 5.01 acres of land. He further submitted that already there was a civil dispute among them, due to which wordy quarrel arose, the petitioners said to be abused and attacked the defacto complainant thereby she sustained injuries. Based on the complaint lodged by the defacto complainant FIR was registered in Crime No.269 of 2013 for the offences under Section 294(b), 506(II) of IPC and proceeded with the investigation and laid charge sheet before the learned Judicial Magistrate No.V, Coimbatore which was taken cognizance in C.C.No.1600 of 2019.

5. Considering the facts and circumstances, already Civil suit was pending between the parties, as a counter blast the case is kept in force and



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there is no material ingredient on the side of the prosecution and also there is no independent evidence to speak about the alleged occurrence. More over on that day wordy quarrel happened but no discriminating evidence that accused are attacked with intention to attack the complainant on that day.

6. Accordingly, this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

06.02.2024

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

- 1.The Inspector of Police, Periyannayakkan Palaiyam Police Station, Coimbatore.
- 2.The Public Prosecutor, High Court of Madras.

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