



CRL O.P. No.16527 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2024

CORAM

The Hon`ble Mr. Justice P.DHANABAL

Crl. O.P. No.16527 of 2022
and Crl. M.P. Nos.8578 and 8579 of 2022

1. Praveena W/o. Madhanagopal
2. Thanush Krishnan S/o. Madhanagopal Petitioners / Accused 1 & 2

Vs.

1. State represented by:-

The Inspector of Police,
Valparai Police Station, Coimbatore District.
[Cr. No.93 of 2022]

... Respondent / Complainant

2. R. Madhanagopal S/o. Radhakrishnan ... Respondent / Defacto complainant.

PRAYER: The Criminal Original petition is filed under Section 482 of Criminal Procedure Code to call for records pertaining to the proceedings in C.C. No.19 of 2022 on the file of the Judicial Magistrate Court, Valparai and to quash the same.

For petitioners: Mr. K.S. Karthik Raja



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For Respondents : Mrs. G.V. Kasthuri,
Additional Public Prosecutor,
High Court [for R1]

No appearance [for R2]

ORDER

This Criminal Original Petition is filed to quash the proceedings in C.C. No.19 of 2022 of the file of Judicial Magistrate Court, Valparai.

2. According to the petitioners, the respondent police have registered an FIR in Cr. No.93 of 2022 and thereafter, they filed the charge sheet for the offences under Sections 148, 348, 452, 506(ii) of IPC. The case of the prosecution at the instance of 2nd respondent is that the petitioners and other workers threatened the 2nd respondent with dire consequences if the 2nd respondent enters into the property. The case of the prosecution is false and it is motivated at the instance of the defacto complainant. The 2nd respondent is none other than the husband of the 1st petitioner and father of the 2nd petitioner. The 1st petitioner and her children are in possession of the estate in Valparai. There are Suits pending before the Jurisdictional Civil Courts with regard to the property. The 2nd respondent in order to take possession repeatedly filed



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complaints to arm-twist the petitioner. Therefore, the impugned proceedings in C.C. No.19 of 2022 on the file of the Judicial Magistrate, Valparai is an abuse of process of law. When the Suits filed by the petitioner are pending before the Jurisdictional Civil Courts, the 2nd respondent has launched the complaint after complaints only to take possession and grab the property. The impugned proceedings has been launched only to cancel the anticipatory bail already granted to the petitioner in the previous FIR. The offences as stated in the FIR and charge sheet are not made out any case as against the petitioners and therefore, the proceedings have to be quashed. The 2nd respondent is attempting to take possession with the assistance of Police and only when the petitioner sent email to the higher officers, the 2nd respondent has dropped the said attempt. A mere reading of the FIR and the statements under Section 161 of Cr.P.C. of the witnesses will establish that the complaint itself is false and motivated. Therefore, the proceedings in C.C. No.19 of 2022 pending against the petitioners on the file of the learned Judicial Magistrate, Valparai are liable to be quashed.



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3. The learned counsel appearing for the petitioners would contend that the 2nd respondent is none other than the husband of the 1st petitioner and father of the 2nd petitioner. There are family disputes pending between the parties. Thereby, the Civil suits have been filed in respect of the property. These petitioners are in peaceful possession and enjoyment of the property, thereby in order to get the possession, the 2nd respondent / defacto complainant filed so many complaints and already he lodged complaint and the same was quashed by this Court and already the respondents have filed FIRs as against the petitioners and in that case, the petitioners have obtained anticipatory bail and now in order to cancel the bail, he has filed the present complaint and there are no any materials to attract the offences as alleged in the charge sheet and therefore, the pending proceedings as against the petitioner are abuse of process of law and therefore, the pending proceedings in C.C. No.19 of 2022 on the file of the learned Judicial Magistrate, Valparai are liable to be quashed.

4. The learned Additional Public Prosecutor appearing for the 1st



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respondent would contend that there is a family dispute pending between the parties and due to that motive, the petitioners along with other accused have threatened the defacto complainant and also caused criminal intimidation and wrongfully confined and already based on the complaint given by the defacto complainant, FIR has been registered and the same is also pending and thereafter, this Court quashed one of the FIRs. Now, the 1st respondent registered the FIR, based on the complaint given by the defacto complainant in Cr. No.93 of 2022 and the said case has been duly investigated and as per the investigation, there are prima facie materials to proceed with the case for the offences under Sections 148, 348, 452, 506(ii) of IPC. Therefore, the petitioners have to face the trial and no grounds to quash the proceedings. The statements of the witnesses clearly shows the involvement of these petitioners and there are ingredients to constitute offences under Sections 148, 348, 452, 506(ii) of IPC and therefore, this petition is liable to be dismissed.

5. This Court heard both sides and perused the materials available on record.

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6. On perusal of records, it is clear that there is family dispute between the defacto complainant and the respondents 1 and 2. Already the defacto complainant also lodged a complaint before the police alleging that the petitioners have wrongfully restrained, committed theft and caused criminal intimidation and the said case has been quashed by this Court on the ground that there are no materials to attract the provisions. However, in the present case, the statements of witnesses shows the involvement of the petitioners and there are prima facie materials available to proceed with the case. The trial Court also after satisfied that there are prima facie materials available to proceed with the case, has taken cognizance under Sections 148, 348, 452, 506(ii) of IPC. At this stage, the veracity of the statements of witnesses cannot be tested and merely because that there are civil suits are pending, it is not a ground to quash the proceedings. The allegations levelled against the petitioners are serious in nature. Though the petitioners and the defacto complainant are family members, there are prima facie materials available and it is a matter of trial. Therefore, the petitioners have to face



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the trial and the grounds raised by the petitioners are nothing but the defence to be taken before the Trial Court. Therefore the petitioners are at liberty to raise all the grounds before the trial Court as defence. In view of the above discussions, this Court is of the opinion that this petition has no merits and deserves to be dismissed.

7. Accordingly, the Criminal Original Petition is dismissed. No costs. The connected miscellaneous petitions are closed.

24.10.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

1. The Judicial Magistrate Court, Valparai
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, Valparai Police Station, Coimbatore District.

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P.DHANABAL,J

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