



Dated:24.09.2024

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

and

CrI.M.P.No.13227 of 2024

.. Petitioner/Accused No.2

/versus/

..1st Respondent/Complainant

..2nd Respondent/Defacto Complainant

1/6



Crl.O.P.No.23358 of 2024

For Petitioner :Mr.K.Jayakumar, Senior Counsel for
Mr.S.Jeyakumar

For R1 :Mr.K.M.D.Muhilan,
Govt.Advocate(Crl.Side)

ORDER

The petitioner herein, who is the one of the accused in C.C.No.30 of 2022 is before this Court to quash the case on the ground that due to family feud, his name has been included in the complaint, though he was not present in the scene of occurrence. It is also stated that on the date of occurrence i.e. on 20.06.2021, the father of the petitioner was assaulted and his complaint in Crime No.478 of 2021 been culminated in filing of final report and pending in C.C.No.31 of 2021 on the file of the District Munsif cum Judicial Magistrate, Thandarampattu, Thiruvannamalai District.

2. The specific allegation in the petition is that the complaint against the petitioner was anti-dated and First Information Report was registered after the delay of 122 days. Citing the pendency of the civil suit on the file of the District Munsif-cum-Judicial Magistrate Court,



Crl.O.P.No.23358 of 2024

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Thandarampattu, seeking declaration of title over the disputed property, it is stated that to settle the civil dispute, a false complaint has been registered against the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that on 20.06.2021 at about 04.00 p.m., the petitioner's family and the family members of the second respondent had quarrelled with each other regarding enjoyment of the property and there was exchange of blow between them causing hurt. Therefore, the respondent police, initially registered CSR and preliminary enquiry, registered two First Information Reports one in Crime No.478 of 2021 and another in Crime No.479 of 2021. Since both the groups were aggressors to each other, two Final Reports filed and both are pending in O.S.No.283 of 2020 before the District Munsif cum Judicial Magistrate, Thandarampattu. As far as the presence of the petitioner on the date of occurrence been spoken by the defacto complainant as well as the other witnesses who had seen the commotion, interfered and prevented further escalation of their fight.



Crl.O.P.No.23358 of 2024

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4. In view of the facts as found in the First Information Report and the statements of witnesses, it is the case of dispute between two families over the property and they have taken law into their hands and caused injury to each other. Hence, it is appropriate both the cases to be tried together by the same Magistrate and the perpetrator of the crime to be decided after examination of the witnesses.

5. In the light of the above fact, this Court finds no reason to quash the complaint as against this petitioner, since the police has placed sufficient *prima facie* materials to proceed against him.

6. The learned counsel appearing for the petitioner submitted that the petitioner is an IT professional and working in Chennai and for substantial period he is in abroad. Therefore, he seeks for dispensing with his personal appearance before the trial Court during trial.



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CrI.O.P.No.23358 of 2024

7. If the petitioner files a petition seeking dispensation with his personal appearance, the trial Court shall consider the same and pass appropriate orders on merits. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

24.09.2024

Index:yes/no

Neutral citation:Yes/no

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To

1.District Munsif cum Judicial Magistrate Court, Thandampattu, Thiruvannamalai District.

2.The Inspector of Police, Vanapuram Police, Thiruvannamalai District.

3.The Public Prosecutor, High Court, Madras.



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Crl.O.P.No.23358 of 2024

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Crl.O.P.No.23358 of 2024

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