



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2024

CORAM:

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

CRL.OP No. 29671 of 2022
& Crl. MP. No.18169 & 18170 of 2022

- 1 A.MURUGAN
S/O.ARUMUGAM NO.182 AMMAPALAYAM WEST
RAJAPALAYAM POST PETHANANAICKENPALAYAM
TALUK SALEM DISTRICT - 636 115
 - 2 P MADESHWARAN
S/O.PERIYASAMY NO.128/1 THUVARAGAPURI
WEST RAJAPALAYAM POST PETHANANAICKENPALAYAM
TALUK SALEM DISTRICT - 636 115
- [PETITIONERS]

Vs

- 1 THE STATE REP BY THE SUB INS
PECTOR OF POLICE MANAGALAPURAM POLICE
STATION NAMAKKAL DISTRICT
 - 2 SATHIYAMURTHI
- [RESPONDENTS]

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records in CC No.173/2020 pending on the files of the Judicial Magistrate at Rasipuram Namakkal district and quash the same.



2

For Petitioners : Mr.K.Mahalingam
For R1 : Mr.S.Vinoth Kumar, Government
Advocate Criminal side.
For R2 : M/s. J.Prithivi

ORDER

The petitioners herein filed this petition to call for the records in CC No.173/2020 pending on the files of the Judicial Magistrate at Rasipuram Namakkal district and quash the same.

2. The case of the prosecution is that there is a civil suit pending before the Court between the petitioners and the defacto complainant and his father. On 31.12.2019 when Prakash/A2 preparing for constructing the house in disputed area during which the defacto complainant and his mother intervened and questioned the construction works of Prakash/A3, there was a wordy quarrel between the petitioners due to which the petitioners along with other accused persons assaulted the defacto complainant with stones and wooden log. Thereafter, the defacto complainant admitted in the hospital and the respondent police have originally registered the case for the offence under Section 341, 294(b), 323 and 324 of IPC in crime No. 2 of 2020. After investigation the respondent police filed a final report in C.C No. 173 of 2020. Hence, the petitioners filed this petition to quash the final



report.

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3. Heard both sides.

3. The submission of the learned counsel for the petitioners is that, even in the medical report the defacto complainant has not mentioned about the name of present petitioners. Further, the defacto complainant and his father filed a suit in O.S No. 26 of 2019 on the file of Additional District Court, Attur, Salem wherein the petitioner's father and his brother are arrayed as 9th and 10 th defendant respectively.

4. On perusal of the records, it reveals the civil suit was filed by the defacto complainant in which the petitioner's father and his brother are arrayed as 9th and 10th defendant. As there is land dispute pending between the parties, after filing the suit the present complaint was lodged with malafide intention. So, it clearly reveals dispute of civil case is given a criminal colour and also there is no incriminating material against the petitioners. Hence, this Court is inclined to quash the C.C No. 173 of 2020.

5. In the result, this petition is allowed. No Costs. Consequentially, connected miscellaneous petition is closed.

16.02.2024

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4

T.V.THAMILSELVI, J.

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To

- 1.The Public Prosecutor, High Court, Madras.
2. The Judicial Magistrate at Rasipuram Namakkal district.

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