



CrI.O.P.No.27848 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.27848 of 2024 and
CrI.M.P.Nos.15468 and 15469 of 2024

1.M/s.Siivaganapathi Spinners Pvt. Ltd.

Rep. by its Managing Director

Mr.S.Palanisamy

Having office at RSF No.465/1

Vellamada, Anumathapuram Road

Olappalayam Post

Kangayam Taluk

Tirupur -District

2. Palanisamy

... Petitioner

Vs.

P. Muthurathinam

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. praying to call for the records relating to the criminal case in C.C.No.322 of 2023 on the file of the learned Judicial Magistrate, Palladam, quash the same as far as the petitioners are concerned.



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For Petitioners : Mr.N.Manoharan
For Respondent : Mr.S.Ananth

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the criminal case filed against the petitioners in C.C.No.322 of 2023 for the offences under Sections 107, 120-B, 167, 420, 423, 425, 441, 463, 464, 466, 468, 474 and 506(i) IPC, on the file of the Judicial Magistrate, Palladam.

2. According to the petitioners, already the respondent has filed a suit for declaration and permanent injunction and the same is pending and despite the same, he has filed the private complaint against the petitioners and the same has been taken on file in C.C.No.322 of 2023 on the file of the Judicial Magistrate, Palladam. Hence, the same has to be quashed.

3. According to the respondent/complainant, the petitioners are claiming right over a wrong property and for wrong extent of the property.

4. Heard both sides and perused the materials available on record.



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5. It is seen that the dispute between the parties is civil in nature which requires oral and documentary evidence. Since the parties have already approached the civil Court, the private complaint in C.C.No.322 of 2023 on the file of the Judicial Magistrate, Palladam, is quashed.

6. Both the parties are directed to work out their remedy before the Civil Court.

7. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

16.12.2024

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To
The Judicial Magistrate, Palladam



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P.VELMURUGAN. J.

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