



Crl.O.P.(MD)No.934 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.934 of 2022

and

Crl.M.P.(MD).No.670 of 2022

M.A.Ganesan

... Petitioner

Vs.

1.State represented by
the Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
In Crime No.283 of 2021

2.Gunasekaran

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in Crime No.283 of 2021, dated 19.12.2021 on the file of the first respondent Police and quash the same.

For petitioner

: Mr.S.Parthasarathy

For R-1

: Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)

For R-2

: Mr.D.S.Haroon Rasheed



ORDER

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This petition has been filed seeking to quash the proceedings in Crime No.283 of 2021, dated 19.12.2021 on the file of the first respondent Police.

2. The case of the prosecution is that the petitioner and the second respondent are brothers. There was a property dispute between the petitioner and the second respondent. Due to which, the petitioner abused the second respondent in filthy language and attacked him with iron rod. Thereby, the second respondent preferred a complaint before the first respondent Police and the first respondent Police registered a case against the petitioner in Crime No.283 of 2021 for the alleged offence punishable under Sections 294(b), 323 and 506 (ii) IPC. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that there was a property dispute between the petitioner and the second respondent, for which, a case in counter was registered. He would further submit that already civil suits are pending before the concerned lower Courts. He would further submit that the present case is purely a civil dispute and the first respondent has been attempting to give



Crl.O.P.(MD)No.934 of 2022

civil dispute a criminal colour. He would further submit that this Court may issue a direction to the respondent Police to file a charge sheet before the concerned Court.

4. The learned counsel appearing for the second respondent would submit that in respect of the case filed by the second respondent as against the petitioner, the respondent Police have filed a charge sheet in C.C.No.235 of 2022. However, they are not interested to prosecute the case before the trial Court and they have decided to compromise the issue between themselves.

5. The above said submission is recorded.

6. In view of the above, this Criminal Original Petition is disposed of with a direction to both the parties to file necessary application before the learned Judicial Magistrate concerned for getting appropriate relief. Consequently, the connected miscellaneous petition is closed.

09.02.2024

Index : Yes/No
Internet : Yes/No
TSG



Crl.O.P.(MD)No.934 of 2022

To

- 1.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.934 of 2022

M.DHANDAPANI. J.

TSG

CrI.O.P.(MD)No.934 of 2022

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