



Crl.O.P.(MD) No.5113 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5113 of 2024

and

Crl.M.P.(MD)Nos.4017 & 4018 of 2024

1. Sivasubramanian,
2. Athavan @ Aathavan,
3. Manonmani Thangam @ Manomani ... Petitioners

Vs

1. The Sub Inspector of Police,
DCB Police Station,
Kanyakumari District.
(Crime No. 18/2023)
2. S.Subbaiah ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the charge sheet in C.C.No. 1040 of 2023 on the file of the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District and quash the same as illegal.

For Petitioner : Mr. G.Anto Prince

For R-1 : Mr.P.Kottai Chamy
Government Advocate (Crl. side)



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ORDER

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The petitioners have filed this petition, seeking to quash the proceedings in C.C.No.1040 of 2023 , pending on the file of the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District.

2.The case of the prosecution is that A-1's father was entitled to the property only for an extent of 22 cents. A-1's father executed a Will in favour of A-1, with an intention of usurping defacto complainant's property. A-1 has been alleged to have fraudulently mentioned the extent of property as 27.50 cents including the defacto complainant' property and thus the defacto complainant's 5 cents of land is grabbed by A-1.

3.The learned Counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. Since the defacto complainant and his son are Advocates, they have lodged this false complaint.

4.The learned Government Advocate (Crl.Side) appearing for the



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respondent police submits that the case is taken on file and the petitioners can very well establish their case before the trial Court.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. side) appearing for the first respondent.

6.Though the petitioners have raised several grounds, this Court is of the opinion that they can be appreciated only during the trial. Therefore, this Criminal Original Petition is dismissed with liberty to the petitioners to file a discharge application before the trial Court. Consequently, connected miscellaneous petitions are closed.

26.04.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No

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B.PUGALENDHI, J.

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To

1.The Sub Inspector of Police,
DCB Police Station,
Kanyakumari District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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