



CrI.O.P.(MD) No.5511 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5511 of 2024

and

CRL.M.P.(MD) Nos.4261 & 4262 of 2024

1.R.Praveenkumar

2.R.Vasanthakumar

...Petitioners/Accused Nos.1 & 2

Vs

1.The State represented by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Cr.No.368 of 2022)

2.Meena

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to C.C.No.561 of 2023 pending on the file of the Judicial Magistrate No.II, Kumbakonam and quash the same.

For Petitioners : Mr.A.George Stephen Kanikkairaj

For R1 : Mr.R.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 charge sheet in C.C.No.561 of 2023 pending on the file of the Judicial Magistrate No.II, Kumbakonam.

2.The case of the prosecution is that, on 11.06.2022, the accused persons have illegally removed the fencing in the de-facto complainant's property. When the same was questioned, the petitioners have abused the defacto complainant in filthy language, threatened her and sustained injury. Based on the complainant of the defacto complainant, a case has been registered in Crime No.368 of 2022 on the file of the respondent police.

3.The learned Counsel for the petitioner submitted that it is a case and counter case. Also, he submitted that the petitioners have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (CrI.Side) appearing for the respondent police submits that the case is taken on file and the petitioners



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can very well establish their case before the trial Court.

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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 it can be appreciated only during the trial. Therefore, this Criminal Original Petition is closed with liberty to the petitioners to raise all these grounds before the trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

12.04.2024

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

jbr



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To

1. The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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