



Crl.O.P.(MD)No.8525 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.8525 of 2024 and
Crl.MP(MD) Nos.5830 & 5831 of 2024

1.Sundarajan
2.Kumar @ Sanjeevkumar
3.Parasakthi
4.Amara @ Sriamara
5.Archana @ Archuna ... Petitioners

Vs

1.The Inspector of Police,
Krishnan Kovil Police Station,
Virudhunagar District,
In Crime No.185 of 2021.

2.Muniyammal ...Respondents.

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in pursuant to the impugned charge sheet in CC No.58 of 2022 pending on the file of the learned Additional Mahila Court, Srivilliputhur, Virudhunagar District and quash the same insofar as the petitioners are concerned.

For Petitioners	: Mrs.S.Meena
For R1	: Mr.P.Kottaichamy
	Government Advocate (Crl.side)



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ORDER

The petitioners have approached this Court to quash the the proceedings in CC No.58 of 2022, pending on the file of the Additional Mahila Court, Srivilliputhur, Virudhunagar District insofar as the petitioners are concerned.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbors and there was a dispute over the enjoyment of a common compound wall by them. On 29.11.2021, the petitioners said to have threatened the defacto complainant, abused his family members in filthy language and also assaulted him.

3.The learned counsel for the petitioners submits that due to civil dispute between the petitioners and the defacto complainant, a criminal case has been registered. The learned counsel further submits that the occurrence said to have taken place on 29.11.2021, however, the complaint has been lodged on 04.12.2021. More over, there is a contradiction in the statements of the doctor and the defacto



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complainant. Therefore, the proceedings in CC No.58 of 2022 has to be quashed on the above grounds.

4.Mr.P.Kottaichamy, learned Government Advocate (Crl.side) takes notice for the first respondent and submits that the trial in CC No.58 of 2022 has already been commenced. He further submits that the grounds raised by the petitioners is a matter for trial.

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 Court is not inclined to entertain this petition and accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioners to raise all these grounds before the trial Court, during trial. The trial Court shall endeavour to conclude the proceedings in CC No.58 of 2022 as expeditiously as possible.



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Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

- 1.The Inspector of Police,
Krishnan Kovil Police Station,
Virudhunagar District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
Crl.O.P.(MD)No.8525 of 2024 and
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12.06.2024