



Crl.O.P.(MD)No.13105 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.13105 of 2022

and

Crl.M.P.(MD).Nos.8341 and 8342 of 2022

- 1.Paramathma
- 2.Rajaparanthaman
- 3.Prasad @ Prakash
- 4.Lenin
- 5.Ramkumar
- 6.Chandrasekaran
- 7.Kannan
- 8.Paranthaman
- 9.Selvamoni @ Mathi
- 10.Maheswaran

... Petitioners

Vs.

- 1.The State rep.through the
The Sub-Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
Crime No.4 of 2020.

- 2.Ramaiah

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and quash C.C.No.440 of 2020 on the file of the learned Judicial Magistrate No.1, Nagercoil.



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For petitioners : Mr.K.S.Muthu
For R-1 : Mr.S.Manikandan
Government Advocate (Crl.side)
For R-2 : Mr.P.T.Ramesh Raja

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.440 of 2020 on the file of the learned Judicial Magistrate No.1, Nagercoil, insofar as the petitioners are concerned.

2. The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant with regard to the administration of Arulmigu Perumal Temple situated at Poovan Kudiyiruppu, Pazhavilai Post, Neendakarai “B” Village, Agastheeswaram Taluk, Kanyakumari District. While so, on 02.01.2020, the petitioners damaged the compound wall of the Temple and when it was questioned by the defacto complainant, the petitioners abused him in filthy language and threatened him with dire consequence. Hence, the second respondent made a complaint before the first respondent Police, based on which, a case was registered in Crime No.4 of 2020 for the alleged offences punishable under Sections 147, 294(b), 427 and 506(i) IPC against the



petitioners herein and after completion of investigation, the first respondent Police has filed the charge sheet before the learned Judicial Magistrate No.1, Nagercoil, and the same was taken on file in C.C.No.440 of 2020 for the offence punishable under Sections 147, 294(b), 427 and 506(i) IPC. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioners submitted that as per the undertaking given by the petitioners on 06.03.2024, the compound wall was restored to its original position and the petitioners 1 and 2 are the owners of the properties. He would further submit that the dispute between the parties is purely civil in nature and a suit is pending between the parties, however, the civil dispute was given a criminal colour and hence, he prays for appropriate directions.

4. The learned counsel appearing for the defacto complainant/second respondent submits that the Subject Temple belongs to the defacto complainant, in which, the petitioners have no right and they have illegally trespassed into the Temple and damaged the compound wall, for which, the second respondent has made a complaint before the first respondent Police.



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5. The learned Government Advocate (Crl.side) submits that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

6. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.side) appearing for the first respondent and the learned counsel appearing for the second respondent and perused the materials available on record.

7. It is seen from the records that there was a dispute between the petitioners and the defacto complainant in respect of the Temple Management. While so, the petitioners are alleged to have damaged the compound wall of the Temple and abused the defacto complainant in filthy language and threatened him with dire consequences, for which, the second respondent has made a complaint before the first respondent Police. It is to be seen that as per the undertaking given by the petitioners on 06.03.2024, the compound wall has been restored to its original position. Pursuant to the civil dispute between the parties with regard to the Temple Management, the second petitioner has already filed the suit



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before the trial Court and the same is pending. This Court repeatedly held in umpteen number of cases that the civil dispute should not be given a criminal colour, when the suit is pending. Therefore, this Court, without rendering any opinion on the merits of the case, which will have a bearing in the suit pending before the trial Court, is inclined to quash C.C.No.440 of 2020 pending on the file of the learned Judicial Magistrate No.1, Nagercoil, in respect of the petitioners.

7. In the result, this Criminal Original Petition is allowed and C.C.No.440 of 2020 pending on the file of the learned Judicial Magistrate No.1, Nagercoil is hereby quashed in respect of the petitioners alone. However, liberty is also granted to the parties to work out their remedy in the manner known to law. Connected miscellaneous petitions are closed.

26.03.2024

Index : Yes/No
Internet : Yes/No
ssb



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To

1. The Sub-Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

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