



Crl.O.P.(MD)No.12829 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **08.02.2024**

CORAM:

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

Crl.O.P.(MD) No.12829 of 2022

A.Pandidurai

... Petitioner

Vs.

1.P.Govindaraj

2.Peru,mal

3.G.Naazeer Batcha

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the impugned Return Order dated 18.12.2022 and issue a direction to the learned Judicial Magistrate No.II, Dindigul, to take the petitioner's private complaint in filing No.5238 of 2020, dated 16.09.2020 on file and to proceed further in accordance with law.

For petitioner

: Mr.A.Ajith Prakash

ORDER

This Criminal Original Petition has been filed seeking to set aside the impugned Return Order dated 18.12.2022 and further to issue a direction to the learned Judicial Magistrate No.II, Dindigul, to take the petitioner's private complaint in filing No.5238 of 2020, dated 16.09.2020 on file and to proceed further in accordance with law.



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CrI.O.P.(MD)No.12829 of 2022



2. The case of the prosecution is that the petitioner made a private complaint under Sections 200, 19(1)(a) r.w 357 (1) of Cr.P.C. before the learned Judicial Magistrate No.II, Dindigul and the said complaint was returned. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that already there was a pathway dispute between the petitioner and the private respondents. The petitioner is employed in the Electricity Board and the private respondents purchased house site and they decided to construct a house, which is adjacent to the petitioner's land. In order to alienate the property, the respondents have preferred to lay a road, for which, they prevented the petitioner ingress and egress and the same was questioned by the petitioner. Thereby, the first respondent filed a private complaint under Section 156(3) of Cr.P.C., before the learned Judicial Magistrate No.II, Dindigul in Cr.M.P.No.3939 of 2014 and based on the direction issued by the learned Judicial Magistrate, the Sub Inspector of Police, Dindigul North Police Station / third respondent registered a case in Crime No.581 of 2014 for the alleged offences punishable under Sections 294(b), 323, 355 and 506(i) IPC. By colluding with the first



and second respondents, the third respondent Police conducted the investigation and on completion of investigation, the third respondent filed a charge sheet in C.C.No.450 of 2015 before the concerned Court and after full-fledged trial, the petitioner and his wife were acquitted from the charges. Thereafter, the petitioner made a private complaint before the learned Judicial Magistrate No.II, Dindigul and the same was returned, is not a sustainable one. The respondent Nos.1 and 2 filed a false and malicious private complaint before the concerned Court and the third respondent Police after conducting the investigation, filed a charge sheet before the concerned Court and the same was ended in acquittal, in which, the petitioner is entitled for a reasonable compensation from the private respondents.

4. Though the case was instituted in the year 2022, however, till date, notice was not ordered. Considering the pendency of the case, this Court is inclined to dispose of the matter with the available records.

5. This Court perused the complaint filed by the petitioner and on perusal of the same, it is seen that the private respondents made a complaint against the petitioner. Pursuant to the direction issued by the trial Court under Section 156(3) of Cr.P.C., the case was registered



Crl.O.P.(MD)No.12829 of 2022

against the petitioner and subsequently, the investigation was completed and charge sheet was filed in C.C.No.450 of 2015 and the same was ended in acquittal and in view of the acquittal, the petitioner again filed a private complaint against the respondents for claiming compensation under Section 357 of Cr.P.C. The various parameters for giving acquittal to the accused persons that does not mean that the petitioner is entitled for claiming compensation by way of filing another private complaint for the very same offence. Hence, the private complaint instituted by the petitioner against the respondents is misconceived.

6. Accordingly, the Criminal Original Petition stands dismissed.

08.02.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Anjugamam Police Station,
Kanyakumari District.

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



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Crl.O.P.(MD)No.12829 of 2022

M.DHANDAPANI. J.

TSG

Crl.O.P.(MD)No.12829 of 2022

08.02.2024