



CRL OP(MD). No.16223 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.12.2024

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.16223 of 2022
and Crl.M.P(MD) Nos.10754, 10759 of 2024

1. Alagumalai
2. Ranjitham @ Ranjithkumar
3. Soundiram
4. Nallathambi @ Nagarathinavel
5. Eswari @ Rajeswari

... Petitioners

Vs

1. The Inspector of Police,
DCB, Dindigul District.
Crime No.48 of 2011.

2. Eswara Moorthy

... Respondents

PRAYER :-

Petition filed under Section 482 of Cr.P.C., to call for the records relating to CC.No.14 of 2021 pending on the file of the Special Court for Exclusive Trial of Land Grabbing Cases, Madurai for offences



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punishable U/s.147,447,294(b),506(i) IPC and quash the same against the Petitioners.

For Petitioners : Mr.D.Malaichamy

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in CC No.14 of 2021 on the file of Special Court for Exclusive Trial of Land Grabbing Cases, Madurai, which has been transferred to the file of learned Judicial Magistrate No. 2 Dindigul and renumbered as CC No.638 of 2023.

2.The second respondent gave a complaint to the first respondent to the effect that the property in question belonged to the mother of the second respondent. On 24.11.2010, she sold the property in favor of one Balasubramanian. On behalf of the said Balasubramanian, the second respondent was managing the property and was also residing in the house. The allegation made by the second respondent is that A2 to A6 demanded that the said Bala Subramanian must sell the property in



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favor of A1. As a consequence, on 12.08.2011, the accused persons are said to have trespassed into the property and threatened the defacto complainant and also the said Bala Subramanian. Based on this complaint, an FIR came to be registered in Cr.No.48 of 2011.

3.On completion of investigation, the police report has been filed before the Court below for offence under Sections 147,447, 294(b), 506(i) IPC and the Court below has taken cognizance. In the final report, the names of six accused persons have been shown and the petitioners are arrayed as A2 to A6.

4.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

5.On carefully going through the records, it is seen that the dispute had arisen since the petitioners (A2 to A6) are said to have threatened the defacto complainant and one Bala Subramanian to sell the property in favor of A1. A1 filed a quash petition before this Court in



Crl.OPMD No.2249 of 2015. That quash petition came up for hearing on 30.09.2019 and it was disposed in the following terms.

“3.The petitioner has filed an affidavit before this Court undertaking that he has no claim on the lands in Survey Nos.634/2A, 634/2B and 634/2C, Vadamadurai Village, Vedaasandoor Taluk, Dindigul District and he has no intention to purchase the said property also. He states that there is some dispute between A2 to A6 on the one hand and the defacto complainant on the other and that he does not want to be caught in the cross-fire. The allegations made against the petitioner are omnibus in nature and since the petitioner has filed an affidavit of undertaking before this Court, I am of the view that the continuation of the impugned proceedings as against the petitioner would only amount to an abuse of legal process. Quashing the impugned proceedings as far as the petitioner is concerned alone would serve the ends of justice. Therefore, the impugned proceedings stand quashed as far as the petitioner herein is concerned. It is made clear that the proceedings will go on against the remaining accused. Since the C.C. is of the year 2013, the court below is directed to conclude the trial on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.”



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6.It is clear from the above that the very cause of action for giving the complaint does not exist, since A1 has given an undertaking that he is not interested in purchasing the property.

7.It is also seen from records that the fourth petitioner (A5) also claims a right over the property and civil proceedings have been initiated in this regard in the year 2009 and the same is pending.

8.The main dispute between the parties is primarily civil in nature. There was some quarrel on the date of occurrence and the same has given rise to launching of criminal prosecution. Ultimately, the parties will have to resolve the dispute only before the competent civil Court. No useful purpose will be served in keeping this case pending, since civil dispute has been given a criminal colour. The petitioners must also work out their right only before the competent civil Court in the manner known to law and no longer resort to any threat or violence against the defacto complainant and others.



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9.In the result, the proceedings on the file learned Judicial Magistrate No. 2 Dindigul in CC No.638 of 2023 as against all the accused persons is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

04.12.2024

PNM

TO

1. The Judicial Magistrate No.2, Dindigul.
2. The Inspector of Police,
DCB, Dindigul District. Crime No.48 of 2011.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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