



Crl.O.P.(MD)No.19075 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.(MD)No.19075 of 2021

and

Crl.M.P.(MD)No.10590 of 2021

K.G.Farms and Dairy Private Ltd Director,
Mohammed Faisel,
S/o.Mohammed Kani,
52, Pegampur,
Mettupatti Road,
Dindigul

... Petitioner/A2

vs.

Gnanabaalan

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in connection with C.C.No.105 of 2021 on the file of the learned Judicial Magistrate No.I, Dindigul and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.Poornachandran

For Respondent : No Appearance



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ORDER

This Criminal Original Petition has been filed seeking an order to quash the proceedings pending in C.C.No.105 of 2021 on the file of the learned Judicial Magistrate No.I, Dindigul.

2. The respondent has filed a private complaint against the petitioner on the ground that the subject property is classified as Government Poramboke and the respondent was fencing the same. He also dug a Well and planted trees for his livelihood. He was also living in that place peacefully. While so, the petitioner attempted to grab the subject property that was developed by the respondent. On the date of the incident, the petitioner and the persons working in the Company came to the spot and abused the respondent in filthy language and also destroyed the trees planted. They also threatened the respondent with dire consequences.

3. Heard Mr.S.Poornachandran, learned counsel appearing for the petitioner.



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4. The respondent has been served with notice and the name of the respondent has also been printed in the cause list. There is no appearance either in-person or through a counsel.

5. In the considered view of this Court, the proceedings pending before the Court below has to be interfered on the simple ground that the Court below has passed a Rubber Stamp Cognizance order without any application of mind. That apart, the Court below did not take note of the fact that the earlier complaint filed by the respondent was dismissed on the ground that no *prima facie* case was made out and there was no sufficient ground to proceed further. This order was passed on 20.04.2018. The issue involves property dispute between the parties which was given a criminal colour. Hence, the continuation of the proceedings as against the petitioner will result in abuse of process of law.

6. In the result, the proceedings in C.C.No.105 of 2021 on the file of the learned Judicial Magistrate No.I, Dindigul is quashed in its entirety.



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7. Accordingly, this Criminal Original Petition stands allowed.

Consequently, connected Criminal Miscellaneous Petition is closed.

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Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

To

The Judicial Magistrate No.I,
Dindigul



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N. ANAND VENKATESH, J.

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