



Crl.O.P(MD).No.19846 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.19846 of 2021 and
Crl.M.P(MD).Nos. 11171 and 11172 of 2021

1.M.Murugan

2.M.Vanniyaraj

3.M.Magesh

4.K.Kanthan

... Petitioners

Vs.

1.The State Rep. by
The Inspector of Police,
Vasudevanallur Police Station,
Tirunelveli District.
(Crime No.206 of 2017)

2.Madathi

... Respondent

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for records in C.C.No.89 of 2020 on the file of the District Munsif cum Judicial Magistrate, Sivagiri, Thenkasi District and quash the same.

For Petitioners : Mr.I. Pinaygash

For Respondent No.1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl. Side)

For 2nd respondent : Mr.D. Malaichamy



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ORDER

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This Criminal Original Petition has been filed to call for records in C.C.No.89 of 2020 on the file of the District Munsif cum Judicial Magistrate, Sivagiri, Thenkasi District and quash the same.

2. The case of the prosecution is that due to civil dispute, the petitioners herein have entered into the defacto complainant's garden and cut down the lemon trees. Due to which, there was a wordy quarrel arose between them. Based on the complaint given by the 2nd respondent, a case has been registered in Crime No.206 of 2017 on the file of the first respondent police and thereafter, the same was taken on file in C.C.No.89 of 2020 on the file of the District Munsif cum Judicial Magistrate, Sivagiri, Thenkasi District

3. The learned counsel appearing for the petitioners submitted that due to property dispute, the petitioners herein have lodged a false complaint against the petitioners. He would further submit that the occurrence took place on 16.08.2017, but, the FIR was registered only on 18.08.2017 with a delay of two days and hence, prays for allowing this petition.



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4. The learned counsel appearing for the 2nd respondent submitted that the first petitioner's brother-in-law was attempted to kill by the 2nd respondent's husband Arumugam. It is a retaliatory attack and the petitioners have caused damages to the lemon trees belonging to the 2nd respondent / complainant. The petitioners have chased the 2nd respondent / defacto complainant and at that time, she fell down and sustained injuries and hence, the delay has been occurred for giving complaint and the same was properly considered by the respondent police before Registering the First Information Report. He would further submit that they have also recorded the statement of witnesses and prays for dismissal of this petition.

5. Even though the petitioner denied the allegations stated in the case, the final report was filed and the same has been taken on file in C.C.No.89 of 2020, the matter has to be decided only by the trial Court. Therefore, I find that there is no merit in this petition and hence, the same is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.



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6. In the circumstances, the learned counsel appearing for the petitioners seeks to dispense with the personal appearance of the petitioners before the trial Court.

7. Taking into consideration of the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners are necessary, the trial court, at its wisdom, shall direct those appearance on those days.

03.04.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp



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To

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1. The Inspector of Police,
Vasudevanallur Police Station,
Tirunelveli District.
2. The District Munsif cum Judicial Magistrate, Sivagiri, Thenkasi
District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

Trp

**CrI.O.P(MD).No.19846 of 2021 and
CrI.M.P(MD).Nos. 11171 and 11172 of 2021**

03.04.2024