



Crl.O.P.(MD)No.18535 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.(MD)No.18535 of 2022

and

Crl.M.P.(MD)Nos.12470 & 12471 of 2022

1.K.Stuwert Jhon

2.S.R.Blasin John

... Petitioners/A1 & A2

VS.

Rathika @ Preetha

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in S.T.C.No.1465 of 2022 on the file of the learned Judicial Magistrate No.I, Kuzhithurai and quash the same as illegal as far as the petitioners are concerned.

For Petitioners : Mr.G.Anto Prince

For Respondent : Mr.M.R.Sreenivasan



Crl.O.P.(MD)No.18535 of 2022

WEB COPY

ORDER

This petition has been filed to quash the proceedings in S.T.C. No.1465 of 2022 on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

2. The respondent filed a private complaint on the ground that on 22.08.2020, the accused persons trespassed into the property of the respondent and attempted to damage the compound wall. When the same was questioned by the father of the respondent, the accused persons are said to have abused him in filthy language and also assaulted him with a stick. This was questioned by the respondent and she was also abused in filthy language and assaulted, and her nighty was pulled, as a result of which, it was torn. That apart, the accused persons are also said to have criminally intimidated the respondent and her family members. It is under these circumstances, the private complaint came to be filed before the Court below, which was taken on file in S.T.C.No.1465 of 2022 for the alleged offence under Sections 447, 294(b), 323 and 506(i) of IPC.



Crl.O.P.(MD)No.18535 of 2022

WEB COPY

3. Heard Mr.G.Anto Prince, learned counsel appearing for the petitioners and Mr.M.R.Sreenivasan, learned counsel appearing for the respondent.

4. In the instant case, there is a pathway dispute between the petitioners and the family of the de-facto complainant. Even on an earlier occasion, a complaint came to be given by the 1st petitioner against the respondent and her father, which resulted in the registration of First Information Report in Crime No.247 of 2020 on 08.06.2020 for the offence under Section 294(b), 323 and 506(i) of IPC. The investigation was completed and the police report was filed before the learned Judicial Magistrate No.I, Kuzhithurai and it was taken on file in S.T.C.No.503 of 2020. While filing the police report, the name of the respondent was dropped and the police report was filed only as against the father of the respondent.

5. Apart from the above dispute, two more complaints were given against each other, which were enquired by the police in C.S.R.Nos.257 and 258 of 2020. This enquiry was conducted pursuant to the direction issued by the learned Judicial Magistrate No.I, Kuzhithurai. On enquiry,



Crl.O.P.(MD)No.18535 of 2022

the police came to the conclusion that there was a pathway dispute between the parties and already a First Information Report has been registered based on the complaint given by the 1st petitioner, and that there was no substance in these complaints and exaggerated versions have been given. Accordingly, a report was submitted before the Court and both these complaints were closed.

6. The respondent, thereafter, has filed a private complaint before the Court below for the alleged incident that took place on 22.08.2020, which has been taken on file by the Court below in S.T.C.No.1465 of 2022.

7. In the considered view of this Court, the main dispute between the parties pertains to a pathway dispute, where it is alleged that the petitioners were attempting to put up a compound wall. This dispute is giving raise to repeated complaints given against each other. Since a complaint was earlier given by the 1st petitioner, which resulted in criminal proceedings initiated against the respondent and her father, a subsequent private complaint has been given by the respondent against the petitioners, who are none other than the father and son. In fact, the 2nd petitioner is a college going student and he has also been roped in this case.



Crl.O.P.(MD)No.18535 of 2022

WEB COPY

8. The apex Court in ***Mohammad Wajid and Ors. vs. State of U.P. and Ors. [2023 (4) MLJ(Crl) 595]*** has directed the High Courts to closely look at the complaint and also the attending circumstances, and read in between lines in order to find out as to whether a frivolous or a vexatious complaint has been given with ulterior motives for wrecking vengeance. If the High Court finds the complaint or the First Information Report to be frivolous or vexatious, it was held that there is a duty on the part of the High Court to quash those complaints/First Information Reports.

9. The above judgment of the apex Court assumes a lot of significance, since many of the complaints/First Information Reports which are instituted with frivolous and vexatious allegations should not be reaching the Court and clogging the system resulting in the pendency of the cases. These types of cases will have to be nipped in the bud.

10. The case in hand is one of those cases, where a pathway dispute is giving raise to repeated criminal complaints given by both sides. In order to bring to an end, the criminal case that is now faced by both sides, this Court is inclined to not only interfere with the proceedings in



Crl.O.P.(MD)No.18535 of 2022

WEB COPY

S.T.C.No.1465 of 2022, which is the subject matter of challenge in the present quash petition, but also the proceedings which is now pending in S.T.C.No.503 of 2020 before the learned Judicial Magistrate No.I, Kuzhithurai against the father of the respondent. If both these cases are quashed, if at all there is any dispute on the right over the pathway, it can be agitated by the parties before the competent civil Court.

11. Since this Court was inclined to quash the proceedings pending in S.T.C.No.503 of 2020, the learned Government Advocate (Criminal Side) was asked to take notice on behalf of the Inspector of Police, Kaliakkavilai Police Station, Kanyakumari, who is the complainant in S.T.C.No.503 of 2020.

12. In fine, the proceedings in S.T.C.No.503 of 2020 and the proceedings in S.T.C.No.1465 of 2022 on the file of the learned Judicial Magistrate No.I, Kuzhithurai are quashed, and this Criminal Original Petition stands allowed. Consequently, connected Criminal Miscellaneous Petitions are closed.



Crl.O.P.(MD)No.18535 of 2022

WEB COPY

13. It is made clear that the parties can agitate their pathway disputes before the competent civil Court and they will not indulge in commission of any offence in future. The learned Judicial Magistrate No.I, Kuzhithurai, on receipt of this order, shall close the proceedings pending in S.T.C. No.503 of 2020.

03.12.2024

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Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

To

- 1.The learned Judicial Magistrate No.I,
Kuzhithurai.
- 2.The Inspector of Police,
Kaliakkavilai Police Station,
Kanyakumari.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.18535 of 2022

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