



CRL MP(MD) No.13207 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fifth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.13207 of 2024

in

CRL OP(MD)No.21242 of 2024

MANI ALIAS C. MONY

... PETITIONER/SOLE ACCUSED

Vs

1 THE STATE OF TAMIL NADU,
REP. BY THE INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 107/2019)

2 MUTHUKRISHNAN

... RESPONDENTS/RESPONDENTS

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to stay of all further proceedings in pursuant to the STC No. 602 of 2022 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, pending disposal of the above Criminal Original Petition.

Prayer in CRL OP(MD). 21242/ 2024 :

To call for the records relating to the STC No. 602 of 2022 pending on the file the Learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, and Quash the same.



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Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.MUTHU KAMATCHI, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(Crl.side) on behalf of the 1st Respondent while admitting the Criminal Original Petition.,, the Court made the following order:-

Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal side) takes notice for the first respondent.

2. Notice to the second respondent returnable by 08.01.2025. Private notice is also permitted.

3. The petitioner and the de-facto complainant are brothers. The case against the petitioner is that he failed to properly maintain the compound wall dividing his property from that of the de-facto complainant. As a result, the compound wall became weak, eventually collapsed, and fell on the de-facto complainant's father, causing him injuries. A case was registered under Section 338 of the I.P.C. for this incident.

4. The learned counsel for the petitioner submitted that the petitioner and the de-facto complainant are close relatives and neighbours, and there is a dispute regarding the shared responsibility for the maintenance of the compound wall. Prior to the incident, on 30.04.2019, the petitioner's sister had filed a complaint against the de-facto complainant for damaging the common compound wall. The wall is a



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shared one, and both parties are responsible for its upkeep. Despite the same, a case was filed against the petitioner after the wall fell. Furthermore, although the date of the incident is listed as 03.04.2019, the complaint was lodged one month later, on 03.05.2019, which clearly proves that the case was filed against the petitioner out of spite or vengeance. It is also important to note that the property in question is ancestral property, and the compound wall is a shared one between the two parties.

5. Finding force in the above submissions, this Court is inclined to grant an interim stay on all further proceedings in S.T.C.No.602 of 2022, which is pending before the Judicial Magistrate Court No.II, Kuzhithurai, Kanyakumari District. Accordingly, an interim stay is hereby granted.

sd/-
05/12/2024

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/12/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMN2
TO

1 THE JUDICIAL MAGISTRATE NO.II
KUZHITHURAI, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



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3 THE INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.13207 of 2024
in
CRL OP(MD)No.21242 of 2024
Date :05/12/2024

SS/GSV/SAR- /11/12/2024/ 4P/5C

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