



CRL.OP(MD). No.22125 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.12.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP(MD). No.22125 of 2023

and

CRL.MP(MD). No.17316 of 2023

1.Kalyani

2.K.Vignesh

3.L.Kombu

... Petitioners / Accused 1 to 3

Vs.

1.The State rep. By
The Inspector of Police,
VK Puram Police Station,
Tirunelveli District.

... 1st Respondent / Complainant

2.Muthukumar

... 2nd Respondent /
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the case in Crime No.407 of 2023 pending on the file of the 1st respondent and quash the same.

For Petitioners : Mr.P.Saravanan



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For R1 : Mr.A.Albert James,
Government Advocate
(Criminal Side)

For R2 : Mr.N.Mohideen Basha

ORDER

This petition has been filed to quash the FIR pending in Crime No.407 of 20223 on the file of the 1st respondent.

2. The 2nd respondent, who is the brother of A1, gave a complaint before the respondent police to the effect that there was a property dispute and on 01.11.2023 at about 11.00 a.m., the accused persons came to his house and started abusing him in filthy language and threatened him with dire consequences. Based on this complaint, FIR came to be registered for offence under Sections 294(b) and 506(i) of IPC. A1 is the sister of the defacto complainant. A2 is the son of A1 and A3 is the husband of A1.

3. Heard the learned counsel on either side and perused the materials placed on record.



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4. It is seen from records that the 2nd petitioner (A2) has also given a complaint against the defacto complainant/2nd respondent herein, for the very same incident by giving a different version and based on that complainant, FIR came has been registered in Crime No.406 of 2023. Thus, a case and counter case is now being investigated by the respondent police in crime nos.406 and 407 of 2023.

5. In the considered view of this Court, both the parties are very close relatives. There seems to be a property dispute for which partition suit has been filed by A1 and the same is pending in O.S.No.93 of 2021 on the file of the learned Sub Court, Ambasamudram. The learned counsel for the 2nd respondent submitted that this suit was dismissed for default. The learned counsel for the petitioners submitted that thereafter yet another suit was filed in O.S.No.21 of 2024 before the learned IV Additional District Judge, Tirunelveli. In view of the same, it will be left open to the parties to work out their remedy in the pending suit. The criminal case will not bring a permanent solution to the problem and it will only aggravate the situation. Hence in order enable the parties to



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work out their remedy before the civil court, this Court is inclined to interfere with both the FIRs pending in Crime Nos.406 and 407 of 2023 before the 1st respondent. It is made clear that the FIRs are quashed not based on any compromise but only after considering the fact that the actual dispute between the parties is civil in nature and both parties are attempting to give it a criminal colour.

6. In the result, the FIRs in Crime Nos.406 and 407 of 2023 pending on the file of the 1st respondent is hereby quashed and this Criminal Original Petition stands allowed. It is left open to both the parties to work out their remedy before the competent civil court. Consequently, the connected miscellaneous petition is closed.

05.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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1. The Inspector of Police,
VK Puram Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

pal

Order made in
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05.12.2024