



Crl.O.P.(MD) No.30 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.30 of 2024

and

CrI.M.P.(MD) Nos.37 and 38 of 2024

Ramkumar

...Petitioner

vs

**1.The Inspector of Police,
Natham Police Station,
Natham
Dindigul District.
Crime No.58 of 2023**

2.Vijayaraj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records relating to the proceedings in CC.No.121 of 2023 on the file of the District Munsif Cum Judicial Magistrate Court, Natham insofar as the petitioners herein and quash the same as illegal.

For Petitioner : Mr.N.Anandakumar

**For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)**



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ORDER

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This Criminal Original Petition is filed to quash the Charge Sheet in C.C.No.121 of 2023 pending on the file of the learned District Munsif Cum Judicial Magistrate, Natham.

2.The learned counsel for the petitioner submits that the petitioner is arrayed as A3. It is his submission that there had been property dispute regarding enjoyment of the common pathway, which was allegedly encroached by the defacto complainant. Therefore, the accused mentioned in this case had protested. As A3, the petitioner is in noway related to the dispute. A1 and A2 are the brother and brother's son of the second respondent.

3.It is the further submission of the learned counsel for the petitioner that there are no specific overt acts mentioned in the complaint against the petitioner/A3. There are only bald averments that along with others, the petitioner attacked the defacto complainant. Therefore, he seeks to quash the Charge Sheet in C.C.No.121 of 2023 pending on the file of the District Munsif cum Judicial Magistrate, Natham.



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4.The learned Government Advocate (Crl.side) submits that there are sufficient materials available in the investigation and the final report. He invited the attention of this Court to the draft final report laid before the Court of the District Munsif cum Judicial Magistrate, Natham, in which specific overt acts mentioned against the petitioner. Therefore, he sought for dismissal of this petition, as it has no merits.

5.On perusal of the final report, it is found that there are only passing comments that A1 to A4 joined together and threatened the defacto complainant. Therefore, the submission of the learned counsel for the petitioner is found acceptable, in the light of the averments made in the final report.

Accordingly, this Criminal Original Petition is allowed. The Charge Sheet in C.C.No.121 of 2023 pending on the file of the District Munsif cum Judicial Magistrate, Natham is hereby quashed against the petitioner/A3 alone. The learned District Munsif cum Judicial Magistrate, Natham is



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directed to proceed with the trial in CC.No.121 of 2023 against the other accused. Consequently, connected Miscellaneous Petitions are closed.

Internet: Yes./No
Index: Yes/No
mm

04.01.2024

To

- 1.The Inspector of Police,
Natham Police Station,
Natham
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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