



Crl.OP.Nos.4374, 7124 and 7184 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.4374, 7124 and 7184 of 2024
and

Crl.MP.Nos.3197, 3199, 5180, 5182, 5235 and 5236 of 2024

Crl.OP.No.4374 of 2024

1. S.Durai
2. D.Jagadish
3. D.Manoshankar
4. D.Srinivasan

... Petitioners

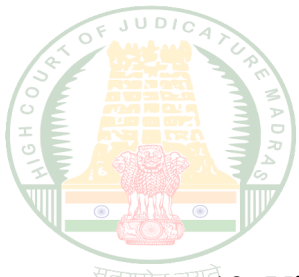
Vs.

R.Guruvammal

... Respondent

Crl.OP.No.7124 of 2024

1. R.Guruvammal
2. R.Rajan
3. Nandhakumar
4. Akila
5. Maniammal
6. Vijayalakshmi
7. Sengaliyammal
8. Mageswari
9. Anand
10. Jayalakshmi
11. Lakshmi
12. Balasubramani



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13. Vijaya
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... Petitioners
Vs.

1. D.Jagadish
2. D.Manoshankar
3. D.Srinivasan

... Respondents

Crl.OP.No.7184 of 2024

1. R.Guruvammal
2. R.Rajan
3. Nandhakumar
4. Akila
5. Maniammal
6. Vijayalakshmi
7. Sengaliyammal
8. Mageswari
9. Anand
10. Jayalakshmi
11. Lakshmi
12. Balasubramani
13. Vijaya
14. Mageswari

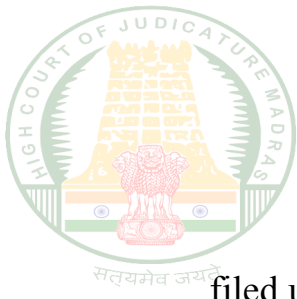
... Petitioners
Vs.

1. D.Jagadish
2. D.Manoshankar
3. D.Srinivasan

... Respondents

PRAYER IN Crl.OP.No.4374 of 2024: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for and quash the complaint in C.C.No.1483 of 2023 on the file of XVI Metropolitan Magistrate Court, George Town, Chennai-600 001.

PRAYER IN Crl.OP.No.7124 of 2024: Criminal Original Petition is



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filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.1396 of 2023 on the file of the learned XVI Metropolitan Magistrate Court, George Town, Chennai and quash the same.

PRAYER IN Crl.OP.No.7184 of 2024: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.1397 of 2023 on the file of the learned XVI Metropolitan Magistrate Court, George Town, Chennai and set quash the same.

Crl.OP.No.4374 of 2024

For Petitioners : Mrs.S.Thamizharasi

For Respondent : Mr.R.C.Manoharan

Crl.OP.Nos.7124 and 7184 of 2024

For Petitioners : Mr.R.C.Manoharan

For Respondents : Mrs.S.Thamizharasi

COMMON ORDER

Crl.OP.No.4374 of 2024 has been filed to quash the private complaint filed by the respondent against the petitioners in C.C.No.1483 of 2023 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai.

2. Crl.OP.No.7124 of 2024 has been filed to quash the private



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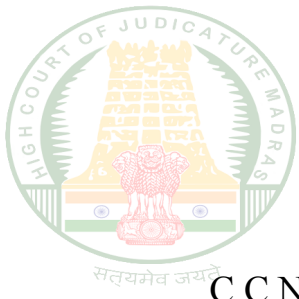
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complaint filed by the respondents against the petitioners in C.C.No.1396 of 2023 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai.

3. Crl.OP.No.7184 of 2024 has been filed to quash the private complaint filed by the respondents against the petitioners in C.C.No.1397 of 2023 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai.

4. Based on the complaint lodged by the respondent viz., R.Guruvammal in Crl.OP.No.4374 of 2024 against the petitioners under Sections 200 and 156(3) of Cr.P.C, 1973, the learned XVI Metropolitan Magistrate, George Town, Chennai had taken cognizance in C.C.No.1483 of 2023 for the offences punishable under Sections 448, 294b, 506(i) r/w 34 of IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act.

5. Based on the complaint lodged by the respondents in Crl.OP.Nos.7124 and 7184 of 2024 against the petitioners under Section 156(3) and 200 of Cr.P.C, 1973, the learned XVI Metropolitan Magistrate, George Town, Chennai had taken cognizance in



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C.C.Nos.1396 and 1397 of 2023 respectively for the offences punishable under Sections 447 and 427 of IPC.

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6. Originally, the respondent in Crl.O.P.No.4374 of 2024 filed a complaint through her counsel before the jurisdictional police on 29.07.2023. Upon receipt of the said complaint, C.S.R. No.489 of 2023 was assigned, and a notice under Section 41A of Cr.P.C. was issued to the petitioners 2 to 4 for enquiry.

7. Subsequently, when the petitioners in Crl.O.P.No.4374 of 2024 lodged a complaint before the N-1 Royapuram Police Station, Chennai, the same was assigned as C.S.R. No.514 of 2023.

8. The Inspector of Police, N-1 Royapuram Police Station, Chennai, called the parties for enquiry based on the allegations made by the respondent/defacto complainant, R. Guruvammal, in Crl.O.P.No.4374 of 2024, claiming that she is one of the legal heirs of the deceased Amaravathi and has inherited a property measuring 1893 sq.ft along with other legal heirs.

9. It is alleged that the first petitioner in Crl.OP.No.4374 of 2024 executed a settlement deed in favour of petitioners 2 to 4, falsely

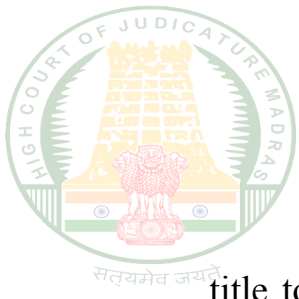


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claiming exclusive title over the ancestral property. Pursuant to the said settlement deed, the petitioners attempted to carry out demolition and construction activities. Consequently, the respondent/defacto complainant filed a suit in O.S.No.4607 of 2023 before the XXI Additional Judge, City Civil Court, Allikulam, Chennai on 05.07.2023, seeking to restrain the petitioners, the same is currently pending adjudication before the XXI Additional Judge, City Civil Court, Allikulam, Chennai. While the alleged demolition and construction were ongoing, the respondent lodged a complaint on 29.07.2023, stating that petitioners 2 to 4 unlawfully trespassed onto the property and attempted to assault her at the instigation of the first petitioner. It was further alleged that they used abusive language and issued criminal threats. As no action was taken on her complaint, the respondent filed a private complaint under Section 200 of Cr.P.C.

10. On the other hand, the sons of the first petitioner—petitioners in Crl.O.P.No.4374 of 2024 and respondents in Crl.O.P.Nos.7124 and 7184 of 2024—also filed a private complaint before the XVI Metropolitan Magistrate, George Town, Chennai, asserting their claim of



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title to the property and the validity of the settlement deed executed in favour of petitioners 2 to 4 in Crl.O.P.No.4374 of 2024.

11. Subsequently, the respondent in Crl.O.P.No.4374 of 2024 and the petitioners in Crl.O.P.Nos.7124 and 7184 of 2024 filed a partition suit in O.S.No.4607 of 2023, which remains pending before the XXI Additional Judge, City Civil Court, Allikulam, Chennai. Meanwhile, the respondent in Crl.O.P.No.4374 of 2024 lodged another complaint alleging that the petitioners damaged building materials at the subject property and threatened her with dire consequences.

12. In respect of the same incident, the petitioners in Crl.O.P.No.4374 of 2024 lodged a complaint on 01.08.2023. Since no action was taken by the police, they also filed a private complaint under Section 200 of Cr.P.C. The learned Magistrate, upon taking cognizance of the offence under Sections 447 and 427 of IPC, registered the cases in C.C.Nos.1396 and 1397 of 2023 respectively and issued summons to the accused, who are the petitioners in Crl.O.P.Nos.7124 and 7184 of 2024.

13. Furthermore, the respondent in Crl.O.P.No.4374 of 2024 filed interlocutory applications in I.A.Nos.3 and 4 of 2023 in O.S.No.4607 of



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2023, seeking interim injunctions to restrain respondents 1 to 4 (i.e., the petitioners in Crl.O.P.No.4374 of 2024 and others) from alienating the petition schedule property. However, the said applications were dismissed on 02.09.2023.

14. A perusal of the records in all the quash petitions reveals that the entire dispute is civil in nature and no prima facie criminal offence is made out to proceed with a criminal trial. Both parties have filed complaints against each other, and after due enquiry, the jurisdictional police closed the complaints, treating the matter as a civil dispute. However, the learned Magistrate has taken cognizance mechanically, without properly appreciating the facts and circumstances of the case, and issued summons in all three complaints.

15. In this regard, it is relevant to extract the judgement reported in **(1992) SCC Crl. 426** in the case of ***Bajanlal v. State of Haryana***, wherein the Hon'ble Supreme Court of India has listed out the following category of case in which the criminal proceedings can be quashed using the inherent jurisdiction of the High Court under Section 482 Cr.P.C.:

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7. Where a criminal proceeding is manifestly attended with malafide and/or where the proceedings is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge."

Therefore, all the three complaints are nothing but clear abuse of process of law and it cannot be sustained and liable to be quashed.

16. Accordingly, the private complaints in C.C.Nos.1483,1396 and 1397 of 2023 respectively on the file of XVI Metropolitan Magistrate Court, George Town, Chennai are hereby quashed as against the petitioners in CrI.OP.No.4374 of 2024 and the petitioners in CrI.OP.Nos.7124 and 7184 of 2024 and these Criminal Original Petitions are allowed. Consequently, the connected Miscellaneous Petitions are also closed.

19.03.2025

Vv

To

1. The XVI Metropolitan Magistrate Court,

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2. XXI Additional City Civil Court, Chennai.

3. The Inspector of Police,
N-1, Royapuram Police Station,
Royapuram, Chennai.

4. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.



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Vv

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and 7184 of 2024**

19.03.2025