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Crl.O.P.No.11833 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM:

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

Crl.O.P.No.11833 of 2025
and Crl.M.P.No.7879 of 2025

1. Kannan @ Kamalakannan
2. Saraswathi @ Jayalatha

... Petitioners

Vs.

Raghunathan

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to C.C.No.81 of 2014 on the file of the District Munsif-cum-Judicial Magistrate, Sriperumbudur, Kancheepuram District and quash the same.

For Petitioner : Mr.M.Murthy

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.81 of 2014 on the file of the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur, Kancheepuram District, thereby taken cognizance for the offences punishable under Sections 294(b), 447 & 506(i) of IPC.



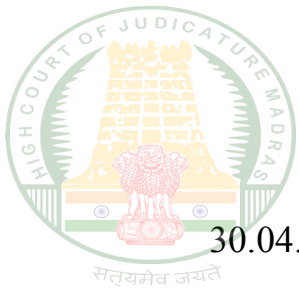
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2. The learned counsel appearing for the petitioner submitted that the respondent lodged a private complaint alleging that on 08.12.2013 at about 01.30 hrs., when he was there in his house, the petitioners and other accused persons tried to cut his guava tree without his permission, and further alleging that the pillar and the cement roof put up by the respondent were also damaged by the accused. When questioning the same, the petitioners and the other accused persons scolded him with filthy languages and also threatened him with dire consequences by showing deadly weapons. The said complainant has been taken cognizance in C.C.No.81 of 2014, by the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur, Kancheepuram District, for the offences punishable under Sections 294(b), 447 & 506(i) of IPC.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. It is seen that there are totally five accused in which, the petitioners are arrayed as A1 & A3. Already the co-accused filed quash petition in Crl.O.P.No.25630 of 2016 and this Court by an order dated



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30.04.2019 quashed the proceeding in C.C.No.81 of 2014 in respect of A2, A4 & A5. Now the case is pending only as against the petitioners. It

is relevant to extract the portion of the order dated 30.04.2019 made in Crl.O.P.No.25630 of 2016 as follows :-

“7. It is seen from the complaint that there are no ingredients to attract the offences under Section 294(b) I.P.C. All the averments and allegations are bald and vague. There is no specific allegations as against the petitioners and there is no allegations to attract the offences under Section 447 I.P.C. Also, there is no averments as that the petitioners entered the house of the respondent. The allegation itself is that the petitioners were trying to cut the trees which were entered into their compound wall. The entire allegations are very simple and trivial in nature. Therefore, the present complaint cannot be sustained as against the petitioners, which is a clear abuse of process of law, and the impugned complaint is liable to be quashed.

Further, the case is pending from the year 2014, without any progress.

Therefore, this Court is inclined to quash the entire proceedings, without even ordering any notice to the respondent.



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22.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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The District Munsif-cum-Judicial Magistrate,
Sriperumbudur, Kancheepuram District.



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