



Crl.O.P.No. 11132 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM:

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

Crl.O.P.No.11132 of 2025

and

Crl.M.P.Nos.7420 & 7421 of 2025

D.Kishore Kumar

..... Petitioner

Vs

1.The state rep by
The Sub Inspector of Police,
Pullarambakkam Police Station,
Tiruvallur - 602 021.

2.Madhan Raj

..... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the final report in C.C.No.358 of 2024 pending on the file of Judicial Magistrate-I, Tiruvallur in Crime No.358 of 2024 pending on the file of the respondent police.

For Petitioners : Mr.N.Kumanan

For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

For R2 : Mr.S.Prabhu



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.358 of 2024, pending on the file of the Judicial Magistrate No.I, Tiruvallur.

2. Based on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.388 of 2024 for the offences punishable under Sections 3296(b), 329(3), 115(2) and 351(1) of the Bharatiya Nyaya Sanhita, 2023. It is alleged that on 24.09.2024 at about 8.00 a.m. while the second respondent was preparing his land for paddy cultivation, the petitioner destroyed the field by diverting the water supply. When it was questioned by the second respondent, the petitioner threatened the him with dire consequences and abused him with filthy language. Hence, the complaint.

3. After completion of the investigation, the first respondent filed the final report and the same has been taken cognizance in C.C.No.358 of 2024 on the file of the Judicial Magistrate No.II, Thiruvallur.



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4. The learned counsel appearing for the petitioner

submitted that prior to the said occurrence, the second respondent has already lodged a complaint alleging that the petitioner and his paternal uncle trespassed into his land and cut the trees. Therefore, to take wreck vengeance, on 24.09.2024, the petitioner and his uncle trespassed into the second respondent's land and diverted the water supply. In fact, a civil suit in O.S.No.70 of 2024 filed by the second respondent as against the petitioner, which is pending on the file of the District Munsif Court, Tiruvallur.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. A perusal of the statements as well as the final report reveals that, the issue arises out of a wordy altercation between the petitioner and the second respondent. It is also evident that a civil dispute is pending between the parties, who are neighbouring land owners, regarding the property in question. Therefore, continuation of the present criminal proceedings amounts to a clear abuse of the process of law, as the allegations are civil in nature.

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7. In view of the above, this Court is inclined to quash the

proceedings in C.C.No.358 of 2024 on the file of the Judicial Magistrate No.II, Tiruvallur. Accordingly, it is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

16.04.2025

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

To

1.The Judicial Magistrate-I, Tiruvallur

2.The Sub Inspector of Police,
Pullarambakkam Police Station,
Tiruvallur - 602 021.

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



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G.K.ILANTHIRAIYAN, J.

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