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Crl.O.P.No.7602 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.7602 of 2025

and

Crl.M.P.Nos.4880 & 4881 of 2025

- 1.Venkatachalam
- 2.Arvind Kumar
- 3.Arunkumar
- 4.Gopi
- 5.Kala @ Kalavathy

... Petitioners

Versus

- 1.State Rep. By,
The Inspector of Police,
Vaniyambadi Taluk Police Station,
Tirupattur District. (formerly Vellore District)
(Crime No.113 of 2017)

- 2.Manogaran

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in C.C.No.314 of 2019 on the file of the Judicial Magistrate – 1, Vellore and quash the same.

For Petitioners : Mr. S. Jagan

For Respondents : Mrs. J.R. Archana (for R1)
Government Advocate (Criminal Side)

ORDER



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This petition has been filed to quash the proceedings in C.C.No.314 of 2019 pending on the file of the Judicial Magistrate – 1, Vellore.

2. The case of the prosecution is that the petitioners are the accused- A1 to A5 in Crime No.113 of 2017. The defacto complainant/second respondent had lodged a complaint against these petitioners alleging that on 19.03.2017 at about 3.00 P.M., the petitioners intercepted and attacked the defacto complainant outside of his house due to a prior dispute over a passage. The defacto complainant was allegedly abused with filthy language and physically assaulted. After intervention, the defacto complainant was taken to the hospital for treatment by his brother-in-law. Based on these allegations, the case in Crime No.113 of 2017 was registered for the offences under Sections 147, 294(b), 341, 323 and 506(1) of the Indian Penal Code (IPC), 1860. After investigation a charge sheet has been filed and the case was taken on file in C.C.No.314 of 2019 before the Judicial Magistrate – 1, Vellore.

3. The learned Government Advocate (Criminal Side) appearing

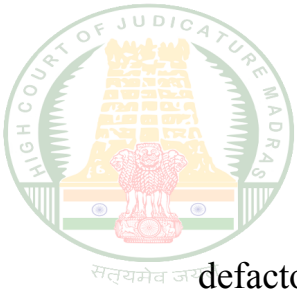


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for the first respondent would submit that this is the second quash petition of the petitioners. The first quash petition in Crl.O.P.No.20302 of 2019 filed by the petitioners was dismissed by this Court by order dated 25.01.2023 on the ground that during investigation the witnesses stated about the occurrence and the statement of the Doctor would also connect the accused to this occurrence. Under such circumstances, it was premature to close the case by stating that there was no material available on the side of the prosecution to prove the guilt against the accused. Consequently, this Court found no grounds to exercise its powers under Section 482 of the Criminal Procedure Code, 1973 (Cr.P.C.) to quash the proceedings in C.C.No.314 of 2017. Further, he submitted that there is no change of circumstances after the dismissal of the earlier quash petition. Therefore, he prays for dismissal of the quash petition.

4. In response to the above submissions, the learned counsel for the petitioners submitted that after the dismissal of the earlier quash petition, the defacto complainant interfered with their possession and restrained the basic amenities like parking, ventilation, drainage, etc. The petitioners are adjacent property owners of the land belonging to the



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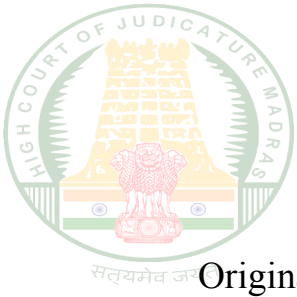
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defacto complainant, and thus, the defacto complainant is giving false complaints against these petitioners. Further, he submitted that due to this civil dispute, the defacto complainant filed a suit in O.S.No.29 of 2024 before the District Munsif Court, Vaniyambadi, Tirupattur District, which is pending for written statements. Therefore, he prays to allow the petition.

5. Heard both sides and perused the materials available on record.

6. In view of the above submission made by the learned Government Advocate (Criminal Side), this Court finds no change of circumstances to entertain the second quash petition filed by the petitioners to quash the proceedings in C.C.No.314 of 2017 pending before the Judicial Magistrate – 1, Vellore. Consequently, this Court is not inclined to quash the impugned proceedings. However, this Court directs the Trial Court to complete the trial within a period of six months from the date of receipt of a copy of this order.

7. With the above observation and direction, this Criminal



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Original Petition is dismissed. Consequently, the connected miscellaneous petitions are also closed.

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Index : Yes/No

Speaking order /Non-Speaking order

Neutral Case Citation: Yes/No

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To

1.The Judicial Magistrate No.1, Vellore.

2.The Inspector of Police,
Vaniyambadi Taluk Police Station,
Tirupattur District. (formerly Vellore District)

3.The Public Prosecutor,
High Court, Madras.



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