



CRL.OP(MD). No.18383 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2025

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP(MD). No.18383 of 2023

and

CRL.MP(MD). No.14511 of 2023

1.R.Rajagopal

2.R.Radhika

3.Sriman

4.S.Mahendran

... Petitioners / Accused

Vs.

1.State represented by
The Inspector of Police,
South Gate Police Station,
Madurai District.
(Crime No.184 of 2023)

... Respondent/ Complainant

2.N.Lakshmanan

... Respondent /
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the impugned charge sheet in C.C.No.1675 of 2023 on the file of the learned Judicial Magistrate No.IV, Madurai in FIR in Crime No.184 of



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2023 on the file of the respondent police, Madurai District dated 20.07.2023, offences under Sections 294(b), 323, 506(i) of IPC and quash the same.

For Petitioner : Mr.A.Ganesan
For R1 : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)
For R2 : Mr.B.Chandramohan

ORDER

This petition has been filed to quash the proceedings pending in in C.C.No.1675 of 2023 on the file of the learned Judicial Magistrate No.IV, Madurai.

2. The 2nd respondent gave a complaint to the 1st respondent stating that on 17.04.2023 at about 19.15 hours, the accused persons came to the house of the 2nd respondent and started abusing him in filthy language and also attacked him with hands and legs and threatened him with dire consequences. This incident had taken place since the accused persons were insisting for partitioning the property. Based on this complaint, the



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FIR came to be registered in Crime No.184 of 2023 by the 1st respondent.

On completion investigation, the police report was filed before the learned Judicial Magistrate No.IV, Madurai for offence under Sections 294(b), 323 and 506(i) of IPC and the same has been taken on file in C.C.No.1675 of 2023 and the process has been issued to the petitioners. Aggrieved by the same, the present quash petition has been filed before this Court.

3. In the considered view of this Court, there is a property dispute between the parties. It is also brought to the notice of this Court that a suit is now pending in O.S.No.126 of 2024 filed by the 2nd respondent and 3 others seeking for the relief of partition before the learned I Additional District Court, Madurai. When the accused persons were discussing about the same with the 2nd respondent, the incident had taken place. Probably, there was a wordy quarrel and the accused persons had abused the 2nd respondent in filthy language and also threatened him.

4. Considering the relationship between the parties and also considering the fact that a substantial suit is now pending before the



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competent Civil Court and except for the *ipse dixit* of the 2nd respondent, no other materials are available to sustain the charges against the petitioners and even the reading of the entire allegations do not make out an offence against the petitioners and a dispute which is purely civil in nature is attempted to be given a criminal colour, this Court is inclined to interfere with the proceedings pending before the Court below. This Court also makes it clear that none of the parties will resort to any violence and the parties will agitate their rights only before the competent Civil Court where the suit is pending. The continuation of the proceedings will only result in abuse of process of law and it will only aggravate the present situation.

5. In the light of the above, the proceedings pending in C.C.No. 1675 of 2023 on the file of the learned Judicial Magistrate No.IV, Madurai is hereby quashed and this criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

03.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

WEB COPY

- 1.The Judicial Magistrate No.IV,
Madurai.
- 2.The Inspector of Police,
South Gate Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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N.ANAND VENKATESH,J.

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Order made in
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03.01.2025