



CRL MP(MD) NO. 14282 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-01-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP(MD) NO. 14282 of 2024

IN

CRL OP(MD) NO. 22807 OF 2024

S.Anburose

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No.306/2024.)

Respondent(s)

For Petitioner(s) : Mr.I.Pinaygash, Advocate

For Respondent(s) : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor for R1

ORDER

Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor takes notice for the first respondent.

2. Notice to the second respondent returnable by 13.02.2025. Private notice is



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also permitted.

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3. The petitioners, who are neighbours of the de-facto complainant, have had a poor relationship due to a dispute concerning the compound wall. On 11.06.2024, the first petitioner is said to have watered the compound wall, which was objected to by the de-facto complainant. At that time, the first petitioner is said to have abused and assaulted the de-facto complainant. Petitioners 2 and 3 are alleged to have witnessed the incident and also instigated A1. Hence, a case was registered under Crime No.306 of 2024, and upon completion of the investigation, a charge sheet was filed, listing L.W.1 to L.W.13 and material objects.

4. The learned counsel for the petitioners contends that the petitioners have been falsely implicated. It is admitted that there is a dispute between the neighbours concerning the compound wall. The petitioners constructed the wall and were watering it, which the de-facto complainant questioned. This led to a heated argument and an exchange of blows. The learned counsel submits that what began as a civil dispute has been given a criminal colour, with the petitioners being accused of assaulting the de-facto complainant. Furthermore, the second petitioner is a senior citizen with health ailments, and the third petitioner is the brother of the first petitioner, who suffers from 80% physical impairment and cannot move without assistance. The learned counsel for the petitioners submits that the de-facto



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complainant has lodged a false complaint and that the respondent police failed to conduct a proper investigation before filing the charge sheet.

5. The learned Additional Public Prosecutor fairly submitted that this is a dispute between neighbours, and the de-facto complainant has clearly described the actions of each of the accused.

6. Considering the above submissions and on perusal of the materials, this Court finds that this is a dispute between neighbours regarding the construction of the boundary compound wall, which escalated into an exchange of blows. It is also noted that the second petitioner is 74 years old, and the third petitioner suffers from 80% physical impairment. Hence, there shall be an order of interim stay of all further proceedings in C.C.No.325 of 2024, on the file of the Judicial Magistrate Court, Cheranmahadevi.

sd/-
02/01/2025

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/01/2025
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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1.The Judicial Magistrate,
Cheranmahadevi.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-39[I] dated 03/01/2025)

ORDER

IN

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IN

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Date :02/01/2025

ED/ VR /SAR- (08/01/2025) 4P / 6C

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