

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.11028 of 2013

and

M.P.Nos.1, 2 and 3 of 2013

1. Krishna Menon
2. Thamizh Selvan
3. Rajendran
4. Vaithiyanathan
5. Ganesan
6. Gandhi @ Gunasekaran ... Petitioners/A.2 to A.7

.. Vs ..

1. The Inspector of Police,
Needamangalam Police Station,
Thiruvarur District. ... 1st Respondent/Complainant
2. Kasthuri ... 2nd Respondent/De facto complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records relating to the impugned proceedings in P.R.C.No.4 of 2013 on the file of the District Munsif-cum-Judicial Magistrate, Needamangalam, and quash the same.

For Petitioners: Mr.Veera Kathiravan
For R-1 : Mr.Shanmugavelayutham
Public Prosecutor
For R-2 : Mr.Swami Subramanian

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ORDER

This petition has been filed by the petitioners seeking to quash the proceedings in P.R.C.No.4 of 2013 pending on the file of the District Munsif-cum-Judicial Magistrate, Needamangalam, Thiruvarur.

2. Heard the learned counsel appearing for the petitioners as well as the learned Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

3. It is seen that the alleged offences attributed against the petitioners is under Sections 147, 148, 294(b), 506(ii) and 120(b) of IPC r/w. Section 3(1) of TNPPDL Act. When the matter is taken up for hearing, the petitioners 1 to 6 and the second respondent/de facto complainant, appeared in person and their identification is also verified by this Court. The learned counsel for the second respondent has filed a memo of compromise stating that the matter has been settled between the parties and second respondent/de facto complainant has no objection to quash the proceedings in P.R.C.No.4 of 2013 pending on the file of the District Munsif-cum-Judicial Magistrate, Needamangalam, Thiruvarur.

4. At this juncture, the learned Public Prosecutor appearing for the first respondent would submit that he wants to file an objection to the application by relying upon paragraph No.27 of the decision of the Hon'ble Supreme Court reported in (2010) 9 Supreme Court Cases 701 (State of Maharashtra and others Vs. Arun Gulab Gawali and others).

5. The above said citation relied upon by the learned Public Prosecutor is not applicable to the facts of the present case because, in the present case, the offences are under Sections 147, 148, 294(b), 506(ii) and 120(b) of IPC r/w. Section 3(1) of TNPPDL Act. Admittedly, the property belongs to HR & CE Department and the Temple viz., Arulmigu Santhana Ramasamy Temple is coming under the control of HR & CE Department. But the de facto complainant is residing in the house built up in the temple. It was alleged that the house has been demolished by the petitioners herein. Now, the de facto complainant appeared before the Court and submits that the matter has been settled. But the Temple also has taken the property. In such circumstances, I am of the view that the request made by the learned Public Prosecutor is hereby rejected.

6. Considering the nature of allegations and also considering the memo of compromise, this Court is of the opinion that no useful purpose would be served by keeping the matter pending. Therefore, the entire proceedings in P.R.C.No.4 of 2013 pending on the file of the District Munsif-cum-Judicial Magistrate, Needamangalam, Thiruvarur, in respect of the petitioners alone is, hereby, quashed and this Criminal Original Petition is allowed accordingly. The Memo of Compromise shall

form part of the order of this Court. Consequently, the connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The District Munsif-cum-Judicial Magistrate,
Needamangalam, Thiruvarur.
2. The Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Veerakathiravan Advocate sr 20254
+1 cc to Mr.Swamisubramanian Advocate sr.20459
+1 cc to Public Prosecutor High Court Madras
sr 20444

CRL.O.P.No.11028 of 2013

aa20/04/2016

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