

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP Nos.25879 and 25882 of 2016

1.Sathasivam
2.Mathialagan
3.Jeevan @ Tamilarasan
4.Ganapathi
5.Sambandam
6.Tamilselvi

.. Petitioners in
Crl.O.P.25879/2016/Accused

1.Veeraraghavan
2.Vishwanath
3.Vijayanath
4.Sivaselan
5.Sukumaran
6.Vinoth @ Vinoth Kumar

.. Petitioners in
Crl.O.P.25882/2016/Accused

Vs

State rep by
Inspector of Police
T14, Mangadu Police Station
Chennai.

.. R1 in both Crl.O.Ps/
complainant

Veeraraghavan

.. R2 in Crl.O.P.25879/2016/
Defacto complainant

Tamilselvi

.. R3 in Crl.O.P.25882/2016/
Defacto complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records in (i) PRC No.31 of 2016 in T-14 Mangadu Police Station Cr.Nos.920 of 2015 u/s 147, 294 (b), 352, 506(ii) IPC r/w 3(1) of TNPPDL Act, 1992; and (ii) PRC No.32 of 2016 in T-14 Mangadu Police Station Cr.No.919 of 2015 u/s 147, 148, 294(b), 324, 506(ii) IPC r/w 3(1) of TNPPDL Act, 1992; pending on the file of the learned District Munsif cum Judicial Magistrate, Sriperumbudur Court and quash the proceedings insofar as they relate to the petitioners.

For Petitioner
in CrI.OP.25879/2016 : Mr.M.Rajavelu
For Petitioner
in CrI.OP.25882/2016 : Ms.S.Sarala
For R1 : Mr.C.Emalias,
Addl.Public Prosecutor

COMMON O R D E R

These petitions have been filed to call for the entire records in (i) PRC No.31 of 2016 in T-14 Mangadu Police Station Cr.Nos.920 of 2015 u/s 147, 294(b), 352, 506(ii) IPC r/w 3(1) of TNPPDL Act, 1992; and (ii) PRC No.32 of 2016 in T-14 Mangadu Police Station Cr.No.919 of 2015 u/s 147, 148, 294(b), 324, 506 (ii) IPC r/w 3(1) of TNPPDL Act, 1992, pending on the file of the learned District Munsif cum Judicial Magistrate, Sriperumbudur Court and quash the proceedings insofar as they relate to the petitioners.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by Tamilselvi, the respondent police registered a case in Cr.No.919 of 2015 on 23.09.2015 and after completing the investigation, have filed a Final Report in PRC No.32 of 2016 against Veeraragavan and five others for offences u/s 147, 148, 294(b), 324 and 506(ii) IPC and Section 3 (1) of the Tamil Nadu Public Property (Prevention of Damage and Loss), Act, and the case is now pending in S.C.No.115 of 2016 before the Sub Court, Kancheepuram.

4. On the complaint lodged by Veeraragavan, the respondent police registered a case in Cr.No.920 of 2015 on 23.09.2015 and after completing the investigation, have filed a Final Report in PRC No.31 of 2016 against Sathasivam and five others, in which Tamilselvi has been arrayed as A6 for offences u/s 147, 294(b), 352, 506(ii) IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss), Act, and the case is now pending in S.C.No.114 of 2016 before the Sub Court, Kancheepuram. Since the parties have arrived at a compromise, they have filed the above quash petitions for quashing the prosecutions against them.

5. It appears that a quarrel ensued between two groups in connection with opening of the Hundi of Sri Venkatesaperumal temple, which is being managed by one of the accused. Admittedly, both parties are close relatives. They have not damaged any public property.

6. Tamilselvi has filed an affidavit, wherein, she has stated as follows in para no.3:

"3. I state that in these circumstances at the instance of elders, relatives and family members of mind and the petitioners, we amicably decided to compromise the matter and array for an amicable settlement."

A similar affidavit has also been filed by Veeraragavan.

7. In view of the above, both the petitions are allowed and the prosecutions in S.C.Nos.114 of 2016 and 115 of 2016 pending on the file of the Sub Court, Kancheepuram are hereby quashed. The petitioners in Crl.O.P.Nos.25882 and 25879 of 2016 are directed to remit Rs.10,000/- each [total Rs.20,000/-] to the Tamil Nadu State Judicial Academy, No.30(90), P.S.K.R.Salai, Greenways Road, R.A.Puram, Chennai-28, within a period of two weeks from the date of receipt of a copy of this order.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gms

To

1.The Inspector of Police
T14, Mangadu Police Station
Chennai.

2.The District Munsif cum Judicial Magistrate,
Sriperumbudur.

3.The Sub Judge, Kancheepuram

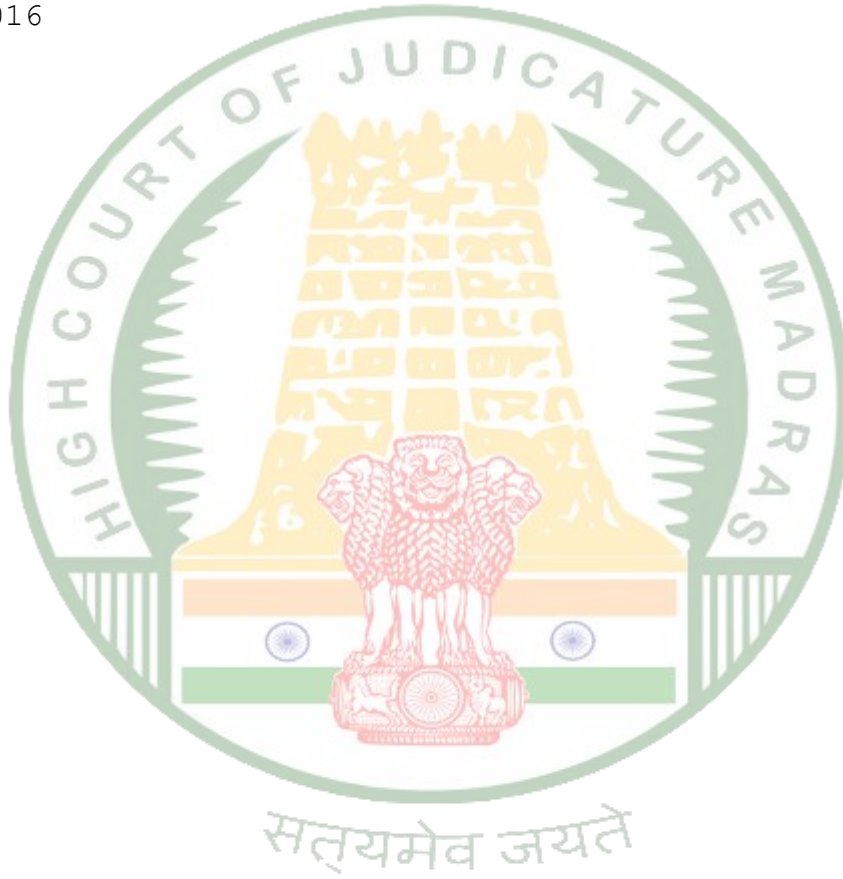
4.The Tamil Nadu State Judicial Academy,
No.30(90), P.S.K.R.Salai,
Greenways Road,
R.A.Puram, Chennai-28

5.The Public Prosecutor,
High Court, Madras.

+2 ccs to Mr.M.Rajavelu Advocate sr 70655

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