

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.8714 of 2016
and Cr1.M.P.Nos.4554 and 4555 of 2016

1.V.Diwakaran
2.Sankar @ Veera Sivasankar
3.Sakthi .. Petitioners

Vs.

1.Inspector of Police
Needamangalam police station
Thiruvarur District.

2.Kasthuri .. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records relating to impugned proceedings in PRC No.4 of 2013 on the file of the District Munsif-cum-Judicial Magistrate's Court, Needamangalam and quash the same.

For Petitioners:Mr.Veerakathiravan, senior counsel for
Mr.O.S.Thilak Pasumpadiyar

For R1 :Mr.C.Emalias
Addl. Public Prosecutor

For R2 :Mr.Swami Subramanian

O R D E R

This petition is filed for quashing the proceedings in PRC No.4 of 2013 on the file of the District Munsif-cum-Judicial Magistrate's Court, Needamangalam.

2.Today, the petitioners, the second respondent and their respective counsel are present and identification of the parties have been verified by this Court. The second respondent/defacto complainant herself submits that she has no objection to quash the proceedings in P.R.C.No.4 of 2013. She has also filed an affidavit and compromise memo to that effect. In para-6 of the affidavit, it was specifically stated that the petitioners are no way connected to the demolition of her house.

3.Learned Additional Public Prosecutor appearing on behalf of the first respondent submits that he wants to file an objection to the application by relying upon the judgment

of the Honourable Apex Court reported in 2010 (9) SCC 701 (State of Maharashtra and others v. Arun Gulab Gawali and others).

4.The above said citation relied upon by the learned Additional 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) IPC read with Section 3(1) of TNPPDL Act. Admittedly, the property belongs to HR and CE Department and the temple viz., Arulmigu Santhana Ramasamy Temple is coming under the control of HR and CE Department. But the defacto complainant is residing in the house built up in the property of the temple. It was alleged that the house has been demolished by the petitioners herein. Now the defacto complainant herself appears before this Court and submits that the matter has been settled. In such circumstances, I am of the view that the request made by the learned Additional Public Prosecutor is hereby rejected.

5.Considering the nature of allegations and also considering the compromise memo, 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's Court, Needamangalam, Thiruvavur in respect of the petitioners herein, is hereby quashed and the Criminal Original Petition is allowed accordingly. The memo of compromise shall form part of this order. Consequently, connected Miscellaneous Petitions are closed.

(Memo compromise of Xerox Copy enclosed)

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.Inspector of Police, Needamangalam police station Thiruvavur District.

2.The District Munsif-cum-Judicial Magistrate's Court, Needamangalam, Thiruvavur.

3.-do- Thro The Chief Judicial Magistrate, Tiruvavur.

4. The Public Prosecutor High Court, Chennai.

+ 1 cc to Mr.O.S. Thilak Pasumpadiyar, Advocate Sr.25014

+ 1 cc to MrSwami Subramanian, Advocate Sr.25971

Cr1.O.P.No.8714 of 2016
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RSY(CO)

En 03.05.16

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