



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.1727 of 2014

and

MP(MD)No.1 & 2 of 2014

1. Thirunavukkarasu

2. Anbu Elil Roja

... Petitioners/A1 & A2

-vs-

1. State rep. by

The Inspector of Police,

E-3, Anna Nagar Police Station,

Madurai District.

(Crime No271/2012)

... Respondent/Respondent

2. Jothilakshmi

... Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the Charge Sheet in C.C.No.287 of 2013 on the file of the Judicial Magistrate No.6, Madurai and quash the same.

For Petitioners : Mr.R.Venkatesan

For R1 : Mr.P.Kandasamy
Govt. Advocate (Crl.Side)

ORDER

This petition has been filed, seeking to quash the Charge Sheet in C.C.No.287 of 2013 pending on the file of the learned Judicial Magistrate No.6, Madurai.

2. On the complaint of the 2nd respondent / defacto complainant, the 1st respondent has registered a case against these petitioners in Crime No.271 of 2012 on 18.07.2012 for offences under Sections 147, 448, 294(b) and 506(ii) IPC r/w Section 4 of TNPWH Act, 1998 and subsequently, it was altered into Sections 448, 294(b) and 506(i) IPC r/w Section 4 of TNPWH Act, 1998.

3. It is pointed out by the learned counsel for the petitioners that the petitioners herein are tenants of the 2nd respondent and they were asked to vacate the house without following the due process of law; the petitioners gave a representation to the higher officials and a Civil Suit is pending in O.S.No.113 of 2010 in R.C.O.P.No.12 of 2012 before the Madurai District Court; the petitioners also filed a writ petition in W.P.No.6500 of 2012 forbearing the 1st respondent therein from



interfering in the civil dispute; in the said writ petition, it was represented by the 1st respondent that the matter was referred to the Superintendent of Police, Madurai and therefore, the writ petition was closed.

3.1. It is further pointed by the learned counsel for the petitioners that subsequently on 18.07.2012, the 1st respondent registered a case against the petitioners and filed an absconding charge sheet before the learned Judicial Magistrate No.6, Madurai

4. Learned Government Advocate (Crl.Side) has produced a letter addressed to the 1st respondent herein by the 2nd respondent / defacto complainant, in which it has been stated that the petitioners have already handed over the vacant possession of the property nine months back and she is now in possession of the property and therefore, she has no objection in quashing the charge sheet.

5. In view of the letter submitted by the defacto complainant to the 1st respondent, which is dated 30.08.2016, this Court can safely infer that there is no point in keeping this matter pending.

6. Under such circumstances, this Criminal Original Petition is allowed and the entire proceeding in C.C.No.287 of 2013 on the file of the Judicial Magistrate No.6, Madurai in respect of the petitioners is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Judicial Magistrate No.6,
Madurai.
2. The Inspector of Police,
E-3, Anna Nagar Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

+1cc to M/S.R.VENKATESAN,ADVOCATE SR NO: 49321

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Crl.O.P. (MD) No.1727 of 2014
31.08.2016