



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.11.2016
CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

Crl.O.P.(MD) No.19570 of 2016

- 1.D.Thenmohan
 - 2.B.Sivarajagopal
 - 3.R.Radhakrishan
 - 4.Sankar Ganesh
 - 5.Andrews Somraj
 - 6.Selvin Rajkumar
 - 7.Govindan @ Govinda Subramanian
 - 8.Benjamin Franklin
 - 9.Alwarsamy Sivakumar
 - 10.Manikanda Prabu
 - 11.Ayyappan @ Bose
 - 12.Ramasubramanian
 - 13.Balasubramanian
 - 14.Alagu Murugan
 - 15.Natesan
 - 16.Muthukumar
 - 17.Mareeswaran
 - 18.Paramasivam
 - 19.Mahendrakumar
 - 20.Thangamani
 - 21.Chandrasekar
 - 22.Rajmohan
 - 23.Muruganantham
 - 24.Bharath
- : Petitioners/Accused

-vs-

- 1.The State,
Rep. By the Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti, Thoothukudi District.
(Crime No.161 of 2009 : 1st respondent/Complainant

- 2.Mrs.R.N.Manjula : 2nd respondent/Defacto complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records in connection with the impugned charge sheet in C.C.No.225 of 2010 on the file of the learned Judicial Magistrate No.1, Kovilpatti and quash the same.

For Petitioners : Mr.G.Thalaimutharasu
For 1st Respondent : Mr.P.Kannithevan
Govt. Advocate (Crl.Side)

<https://hcservices.ecourts.gov.in/hcservices/>

For 2nd Respondent : Mrs.V.Nirmala Rani

O R D E R

This petition has been filed under Section 482 Cr.P.C., to call for the records in connection with the charge sheet in C.C.No.225 of 2010 on the file of the learned Judicial Magistrate No.1, Kovilpatti and quash the same.

2.When the matter was taken up on 08.11.2016 for hearing, the petitioners appeared in person and their identification were also verified by this court in addition to the confirmation of the identify of the parties by the learned Government Advocate (Criminal side) through the 1st respondent police. Mr.G.Thalaimutharasu, learned counsel appearing for the petitioners submitted that the petitioners are Advocates of Kovilpatti Bar Association and in future no such occurrence will happen and they have filed an undertaking affidavit, expressing unconditional apology.

3.Mrs.V.Nirmala Rani, learned counsel appearing for the 2nd respondent has submitted that the 2nd respondent has filed a reply affidavit, accepting the unconditional apology tendered by the petitioners and she has no objection quash the C.C.No.225 of 2010 pending on the file of the Judicial Magistrate No.1, Kovilpatti.

4.Heard the learned Government Advocate (Criminal side) appearing for the first respondent and perused the materials available on record.

5.It is seen from the reply affidavit filed by the 2nd respondent, in para 7 and 8, it has been stated as follows:-

"7.The petitioners now have come forward and tendered an unconditional apology by stating that they have realized their mistake. It was indeed very hard to forget and forgive. But with the passage of time I thought that though forgiveness can not change the past, it can change the future, if the petitioners' realization is genuine. Since I had been disdainfully described and abused by the petitioners, I felt it is appropriate to forgive them in order to prove and make them to understand that I am a person of grace and not a person as I had been described by them. Since the petitioners have stated that the purpose of this petition is to promote the harmony between the bar and bench, I believe that forgiving the petitioners to achieve such an object, can help improve the interest of my institution, to whom I owe a gratitude, for standing by me during those tumultuous time.



8.I submit that for the above said considerations alone, I chose to accept the unconditional apology tendered by the petitioners."

6.In view of the statement made by the parties and the affidavit of undertaking filed by them, no fruitful purpose will be achieved to proceed further in this matter.

7.In view of that, this petition is allowed and the entire proceedings in respect of C.C.No.225 of 2010 on the file of the Judicial Magistrate No.1, Kovilpatti, is quashed. The affidavit of undertaking filed by the petitioners and the reply affidavit filed by the second respondent shall form part of the record.

Herewith attached the reply affidavit filed by the Second Respondent.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To,

1.The Judicial Magistrate, No.1
Kovilpatti.

2.The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti, Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High court,
Madurai.

+1CC to M/S.G.Thalaimutharasu, Advocate, SR.No. 67891

Cr1.O.P.(MD) No.19570 of 2016
09.11.2016

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AM/GSV PM/SAR 3/05.12.2016/3P/5C (IT)