



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.9350 of 2016

and

Crl.M.P. (MD) Nos.4689 and 4690 of 2016

1.Thomas Arul Raj
2.Yesudhasan
3.Amutha Valarmathi
4.Vincent

: Petitioners/Accused No. 1 to 4

-Vs-

1.The State rep. by the
Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.448 of 2012)

:1st Respondent/Complainant

2.Wilfred

:2nd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the charge sheet in C.C.No.336 of 2015 on the file of Judicial Magistrate Court No.I, Kuzhithurai and quash the same as illegal.

For Petitioners : Mr.J.Sulthan Basha,
For M/s.Ajmal Associates

For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)

For Respondent No.2 : Mr.S.Palanivelayutham

O R D E R

On the complaint lodged by the second respondent, the first respondent registered a case in Crime No.448 of 2012 and after completing the investigation, has filed a charge sheet in C.C.No.336 of 2015 before the learned Judicial Magistrate No.I, Kuzhithurai, for offences under Sections 406, 420, 379 and 506(i) of the Criminal Code against Thomas Arul Raj, S/o.Pankiraj (A-1), Yesudhasan, S/o.Pankiraj (A-2), Amutha Valarmathi, W/o.Thomas Arul Raj (A-3) and Vincent, S/o.Yesudas (A-4), for quashing which,



the accused and the *defacto* complainant are before this Court on the ground that they have arrived at a compromise.

2. Today, when the matter was taken up for hearing, Mr.C.Johnson, Special Sub-Inspector of Police, Marthandam Police Station, is present.

3. On a reading of the charge sheet, it is seen that there has been commercial transaction between the accused and the *defacto* complainant, under which, the *defacto* complainant had sold four mini buses to A-1 for valuable consideration and for not paying the alleged balance, the *defacto* complainant has lodged the present complaint, based on which, the First Information Report in Crime No.448 of 2012 was registered and consequently, charge sheet in C.C.No.336 of 2015 has been filed.

4. In the opinion of this Court, the entire prosecution is civil in nature and deserves to be quashed. However, the *defacto* complainant submitted that Thomas Arul Raj is his close relative and that on the intervention of elders, he has agreed to withdraw the complaint. He has also filed an affidavit to that extent.

5. In view of the above, this Criminal Original Petition is allowed and the entire prosecution against all the four accused in C.C.No.336 of 2015, on the file of the learned Judicial Magistrate No.I, Kuzhithurai, is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

6. At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount for the purpose of removal of Seemai Karuvelam Trees.

7. Accepting the submission, the petitioners are directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) **each**, to the credit of Indian Bank Savings Account No.6514082295, operated by the Registrar (Administration), Madurai Bench of Madras High Court, Madurai, for the purpose of removal of Seemai Karuvelam Trees, within a period of two weeks from today. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

<https://hccs.courts.gov.in/cases> The learned Judicial Magistrate Court No.I,
Kuzhithurai.



2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

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

COPY TO:
the Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai.

SML
MAS/SV-MMS:24.04.2017:3P-5C

Order made in
CRL.O.P. (MD) No.9350 of 2016
Dated: 12.04.2017