

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2018

CORAM :

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.Nos.21055 & 21056 of 2018 and
Crl.M.P.Nos.11432 & 11433 of 2018

1.M.Vasanthi
2.M.Chitrarajeswari
3.M.Vijayakumar

.. Petitioners in CRL.O.P.No.21055
of 2018/Accused 1 to 3

1.N.G.Ramalingam
2.N.Rakshana
3.S.Anitha
4.J.Nandhini

.. Petitioners in CRL.O.P.No.21056
of 2018/Accused 1 to 4

Vs

1.The State by Sub-Inspector of Police,
Railway Police Station,
Perambur, Chennai-11.

2.N.G.Ramalingam

.. Respondents
in Crl.O.P.No.21055 of 2018

1.The State by Sub-Inspector of Police,
Railway Police Station,
Perambur, Chennai-11.

2.M.Vasanthi

.. Respondents
in CRL.O.P.No.21056 of 2018

Criminal Original Petitions in Crl.O.P.Nos.21055 and 21056 of 2018 filed under Section 482 Cr.P.C., to call for the records in C.C.No.258 and 257 of 2018, respectively, on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai - 600 001.

For Petitioners : Mr.S.Mahendran
in CRL.O.P.No.21055 of 2018

For Petitioners : Mr.C.Sivanesan
in CRL.O.P.No.21056 of 2018

For R1 : Ms.M.Prabhavathi,
Addl. Public Prosecutor
in the both petitions

C O M M O N O R D E R

These Criminal Original Petitions in Crl.O.P.Nos. 21055 and 21056 of 2018 have been filed to call for the records in C.C.No.258 and 257 of 2018, respectively, on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai - 600 001.

2. On the complaint lodged by one Vasanthi, the 1st respondent police have registered a case in Crime No.131 of 2016 on 16.11.2016 under Sections 294(b) and 332 IPC against four unnamed ladies and one unnamed male. It is the case of Vasanthi that she is working as Traveling Ticket Examiner (for brevity "TTE") in Villivakkam Railway Station and she intercepted four female passengers without train ticket. When she was questioning them, they assaulted her and in that assault, one man also joined.

3. On the complaint lodged by one Ramalingam, the 1st respondent police have registered a case in Crime No.132 of 2016 on 16.11.2016 under Sections 294 (b), 341, 323 and 383 IPC against, Vasanthi, Chithra Rajeshwari and Vijayakumar.

4. It is the case of Ramalingam that while he was waiting for boarding the train in Villivakkam Railway Station, he found a team of TTEs assaulting four women. Therefore, when he intervened, he was also assaulted by the TTEs. Hence, the complaint and the consequent FIR.

5. After completing the investigation, the 1st respondent police have filed a charge sheet in Crime No.131 of 2016 in C.C.No.257 of 2018, pending on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai. Similarly, they have also filed a charge sheet in Crime No.132 of 2016 and the same has been taken on file as C.C.No.258 of 2018 by the XVI Metropolitan Magistrate, George Town, Chennai.

6. While so, the de facto complainant and the accused in both the cases have filed these two quash applications for quashing the proceedings in C.C.Nos.257 and 258 of 2018, on the ground they have arrived at a compromise.

7. Today, all the parties, viz. N.G.Ramalingam, N.Rakshana, S.Anitha, J.Nandhini, M.Vasanthi, M.Chitrarajeswari and M.Vijayakumar, are present before this Court.

8. Vasanthi, the de facto complainant in Crime No.131 of 2016, has filed an affidavit dated 17.08.2018, wherein, in Para Nos.2,3 and 4, she has stated as follows:

"2.Hence I gave a complaint under Sections 294 (b) and 332 IPC against the petitioners in Crime No.131 of 2016. Subsequently the 1st respondent police have filed a charge sheet in C.C.No.257 of 2018 on the file of XVI Metropolitan Magistrate Court, George Town, Chennai 600 001 against the above Crime Number.

3.I submit that since the respondents 2 to 5 are neighbours and in order to maintain future relationship with them, I wholeheartedly come forward to withdraw the above complaint given by me against them unconditionally. In this connection myself and the respondents 2 to 5 resolved their disputes amicably out of court.

4.I state that since the disputes resolved amicably, I may be permitted to withdraw the above C.C.No.257 of 2018 on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai 600 001. I further submit that due to my avocation, I am unable to appear before the learned XVI Metropolitan Magistrate Court, George Town. In this connection the 2nd respondent assured me that he will also withdraw complaint in C.C.No.258 of 2018 against me which is pending on the file of XVI Metropolitan Magistrate, George Town, Chennai unconditionally and she also file a separate sworn affidavit in this regard. Hence I have settled the disputes amicably with the respondents 2 to 5 out of court.

9. Ramalingam, the de facto complainant in Crime No.132 of 2016, has filed an affidavit dated 17.08.2018, wherein, in Para Nos.3 and 4, he has stated as follows :

"3.I submit that since the respondents 2 to 4 are neighbours and in order to maintain future relationship with them, I wholeheartedly come forward to withdraw the above complaint given by me against them unconditionally. In this connection myself and the respondents 2 to 4 resolved their disputes amicably out of court.

4.I state that since the disputes resolved amicably, I may be permitted to withdraw the above C.C.No.258 of 2018 on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai 600 001. I further submit that due to my old age, I am unable to appear before the learned XVI Metropolitan Magistrate Court, George Town. In this connection the 2nd respondent assured me that he will also withdraw complaint in C.C.No.257 of 2018 against me which is pending on the file of XVI Metropolitan Magistrate, George Town, Chennai

unconditionally and she also file a separate sworn affidavit in this regard. Hence I have settled the disputes amicably with the respondents 2 to 4 out of court.

In view of the above, the proceedings in C.C.Nos.257 and 258 of 2018 on the file of the XVI Metropolitan Magistrate, George Town, Chennai, is quashed and as a sequel, these Criminal Original Petitions are allowed, on condition that the petitioners in both the petitions shall pay a sum of Rs.1,000/- each (totally Rs.7,000/-) as costs to the credit of the Chief Justice Relief Fund [payable in Accounts Section of the High Court Registry], within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mkn/dua
To

1. The Sub-Inspector of Police,
Railway Police Station,
Perambur, Chennai-1.
 2. The XVI Metropolitan Magistrate,
George Town, Chennai.
 3. The Sub Assistant Registrar,
Accounts Section, High Court, Madras.
- Copy to: The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. S. Mahendran, Advocate Sr.59610
+ 1 cc to Mr.C. Sivanesan, Advocate Sr.59609

CRL.O.P.No.21055 of 2018
and
Crl.O.P.No.21056 of 2018

VGI (CO)
EU(28/09/2018)