

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.28871 of 2018

and

CrI.M.P.Nos.16851 & 16852 of 2018

1. Tamilvanan

2. Radhakrishnan

... Petitioners/Accused Nos. 1 & 2

vs.

State Rep. By

The Inspector of Police,

Railway Police Station,

Jolarpet,

Vellore District.

(Crime No.29/2015)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pending on the file of the learned Judicial Magistrate, No.III, Thiruppathur, Vellore District in C.C.No.78/2018 and quash the Criminal Proceedings.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.78 of 2018, pending on the file of the learned Judicial Magistrate, No.III, Tirupattur, Vellore District.

2. The petitioners are working in Southern Railway as Travel Ticket Examiners. On 23.02.2015, when on duty, the defacto complainant, who was a woman constable along with two other constables got into the Air Condition Compartment of the Train near Jolarpet Railway Station. They were questioned by the petitioners and it resulted in a melee. A complaint was given by the defacto complainant and an FIR was registered against these petitioners for an offence under Sections 294 (b), 332, 506 (i) IPC r/w Section 4 of the Provision of Harassment of Women Act. The respondent police investigated the case and filed a final report and the same was taken on file by the learned

Judicial Magistrate, No.III, Tiruppathur in C.C.No.78 of 2018.

3. When the matter came up for hearing during the last occasion, this Court felt that the matter can be resolved amicably between the parties. The petitioners are Central Government Employees working as Travel Ticket Examiners and they have questioned the defacto complainant and two others about their getting into Air Condition Compartment. This has unfortunately resulted in a wordy quarrel and as a result of the same, the petitioners are now facing a criminal prosecution before the Court below.

4. This Court directed both the petitioners and also the defacto complainant to be present before the Court. This Court examined the defacto complainant, who is the presently working as Grade-II Constable at Chennai City. She explained the entire incident and stated that the defacto complainant and the other Constables got into the Train only due to the task assigned to them to conduct regular beat in the Train, since there were several complaints of theft in that particular station. She further stated that in spite of explaining the petitioners about the reason why the police have got into the Train, the petitioners behaved with them in a rude manner, which resulted in giving a complaint against the petitioners. The defacto complainant was gracious enough to state that if the petitioners express their regret for the said incident, she is no more interested in perusing further with case. This Court appreciates the stand taken by the second respondent and also the magnanimity with which she has dealt with this particular incident.

5. This Court also examined both the petitioners. The petitioners had a completely different version to state about the incident. However, the petitioners stated that this incident could have been avoided and should have been handled in a more matured manner. The petitioners also express their regret for the said incident. This Court directed the petitioners to file individual affidavits before this Court, tendering unconditional apology.

6. Both the petitioners have filed individual affidavits before this Court, tendering unconditional apology. The petitioners have also under taken that in future, they will not prevent any Government officials from discharging their public duty and that they will handle such situations in a more professional manner. The affidavits filed by the petitioners shall form part of the record.

7. This Court is of the considered view that no useful purpose will be served by allowing the proceedings pending against the petitioners, since it will unnecessarily affect

their future prospect as both the petitioners are Central Government Employees working in Southern Railways. The parties have now come to an amicable settlement and in view of the individual affidavits filed by the petitioners, this Court is confident that the petitioners will not involve themselves in any such incident in future.

8. In the result, the proceedings in C.C.No.78 of 2018 on the file of the learned Judicial Magistrate, No.III, Tiruppathur is hereby quashed and accordingly this Criminal Original Petition is allowed on the ground of compromise between the parties. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dss
To

- 1.The Judicial Magistrate Court No.III,
Thiruppathur
Vellore District.
 2. The Inspector of Police,
Railway Police Station,
Jolarpet,
Vellore District.
 3. The Public Prosecutor,
Madras High Court, Chennai.
- +1 CC to Mr.E.Kannadasan, Advocate sr 89140.

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AK(CO)
SP(08/01/2019)