



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 22.10.2018

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

Crl.O.P.(MD)No.7596 of 2014

and

M.P.(MD)No.1 of 2014

1.C.Senthil Kumar

2.M.Senthil Kumar

... Petitioners/Accused Nos.2 & 3

Vs.

1.State represented by its

Inspector of Police

B1, Vilakkuthoon Police Station

Madurai City

(Crime No.761 of 2013)

2.The Assistant Engineer

PWD (Buildings & Maintenance)

No.46, North Chithirai Street

Madurai

...Respondents/Complainants

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.C.No.118 of 2014 on the file of the learned Chief Judicial Magistrate, Madurai.

For Petitioners

: Mr.R.Karthikeyan

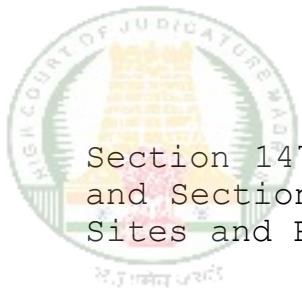
For Respondents

:Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the criminal proceedings in S.C.No.118 fo 2014 on the file of the learned Chief Judicial Magistrate, Madurai.

2.The case of the prosecution is that Rani Mangammal Palace siutated at No.46, Vadakku Chithirai Veedhi was under the control of Public Works Department and the said building had housed the offices of the PWD and the record room is being maintained on the south-easter corner. Behind the said building, the accused had owned a building and when the first accused was demolishing his building on 23.07.2013 at about 4.00 p.m, the accused had demolished the roof of the said Palace and had caused a loss of Rs.1,50,000/-. Therefore, the petitioners were charged for the offences under



Section 147, 148, 427, 109 I.P.C and r/w Section 3(1) of TNPPDL Act and Section 30(1)(i)(iv) of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 r/w 149 I.P.C.

3.The learned counsel appearing for the petitioners would submit that while the petitioners were enlarged on bail by this Court, a specific condition was imposed that the petitioners shall deposit a sum of Rs.3,50,000/- to the credit of Crime No.761 of 2013. Thereby, they complied the said condition. Thereafter, the Junior Engineer, Public Works Department (i/c) Building, filed a petition in CrI.M.P.No.192 of 2015 before the learned Chief Judicial Magistrate, Madurai, in which, he sought permission to withdraw a sum of Rs.2,25,500/- for the purpose of repairing the said building. The learned Chief Judicial Magistrate, Madurai by order dated 09.06.2015 in CrI.M.P.No.192 of 2015 permitted the Junior Engineer, Public Works Department to withdraw the said amount to repair the said Palace. Thereafter, the amount has been withdrawn and the said Palace got repaired. Therefore, nothing survives to prosecute the petition as alleged by the prosecution.

4.The learned Government Advocate (CrI.Side) also confirmed the same and stated that the amount has been withdrawn by the Public Works Departments and the said Palace got repaired. Further, he has produced the Status Report, dated 11.10.2018 in which, it was stated that the said Palace already got repaired.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.Side).

6.Considering the facts and circumstances and also considering the report submitted by the Public Works Department, the proceedings in S.C.No.118 of 2014 on the file of the Chief Judicial Magistrate Court, Madurai against the petitioners alone shall stand quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions is closed.

Sd/

Assistant Registrar(P&A)

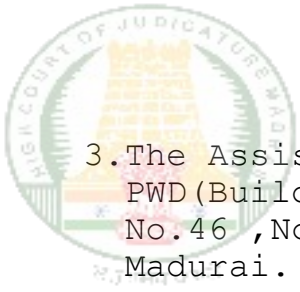
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Sub Assistant Registrar(CS-II)

To

1.The Chief Judicial Magistrate
Madurai

2.The Inspector of Police
B1, Vilakkuthoon Police Station



3.The Assistant Engineer,
PWD (Buildings and Maintenance),
No.46, North Chithirai Street,
Madurai.

4.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1cc to Mr.P.KARTHIKEYAN, Advocate, SR.No.91116

CrI.O.P. (MD) No.7596 of 2014
and
M.P. (MD) No.1 of 2014
22.10.2018

msa

KK/RSK/SAR-2/19.11.2018/3P-6C