



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.19446 of 2018

and

Crl.M.P. (MD) Nos.8830 to 8832 of 2018

S.Indira

... Petitioner

-Vs-

1.The Inspector of Police,
Thattaparai Police Station,
Thoothukudi.
Crime No.93 of 2001

2.The Assist Executive Engineer,
Distribution / Urban South,
TNEB, Ettayapuram Road,
Polpettai,
Thoothukudi.

... Respondents

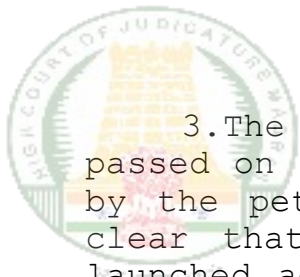
PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, calling for the charge sheet in C.C.No.322 of 2002 on the file of the learned Judicial Magistrate No.I, Thoothukudi and quash the same.

For Petitioner : Mr.S.C.Herold Singh
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition is filed to quash the proceedings in C.C.No.322 of 2002 on the file of the learned Judicial Magistrate No.I, Thoothukudi.

2.The learned counsel for the petitioner would submit that a final report was filed against this petitioner and her husband for the offence under Section 39(1) and 44 (1)(c) of Indian Electricity Act, 1910 on the ground of theft of electricity. The learned counsel would further submit that a writ petition was filed before this Court in W.P.(MD) No.10407 of 2014, challenging the penalty imposed by the Electricity Board. This Court by an order dated 24.03.2005, directed the petitioner to pay a sum of Rs.8,00,000/- and the said order has been complied with. Thereafter, the matter was referred to Lok Adalat. In the Lok Adalat, a settlement was arrived at between the parties and the petitioner was directed to pay the balance amount of Rs.8,85,378/- in 15 equal monthly instalments.



3.The learned counsel would further submit that this award was passed on 11.06.2016. The monthly installments have also been paid by the petitioner. In the Lok Adalat award itself, it was made clear that on compliance of the order, the criminal prosecution launched against the petitioner will be withdrawn or steps will be taken to get the proceedings quashed. According to the learned counsel for the petitioner, in spite of compliance of the award passed by the Lok Adalat, the respondent police have not taken any steps to withdraw the complaint. Therefore, the present petition has been filed challenging the proceedings in C.C.No.322 of 2002.

4.In view of the submission made by the learned counsel for the petitioner, the continuation of the proceedings against the petitioner and her husband in C.C.No.322 of 2002 on the file of the learned Judicial Magistrate No.I, Thoothukudi, is clearly an abuse of process of Court. This Court has to necessarily exercise its jurisdiction under Section 482 Cr.P.C., and quash the proceedings.

5.In the result, the proceedings in C.C.No.322 of 2002 on the file of the learned Judicial Magistrate No.I, Thoothukudi, is hereby quashed. Accordingly, this criminal original petition is allowed.

6.At this stage, the learned counsel for the petitioner would submit that at the time when bail was granted to the petitioner by this Court by an order dated 23.05.2001, the petitioner was directed to deposit a sum of Rs.3,00,000/- before the TANPID Court (City Civil Court), Chennai. The said amount was also deposited by the petitioner.

7.In view of the quashing of the proceedings, the petitioner is permitted to withdraw the said amount by filing an appropriate memo before the Court concerned. The Court below shall permit the withdrawal of the amount by the petitioner within a period of two weeks from the date of filing necessary petition. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate No.I,
Thoothukudi.

2. The Inspector of Police,
Thattaparai Police Station,
Thoothukudi.

Crime No.93 of 2001



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

+1CC to Mr.S.C.Herold Singh, Advocate, SR.No.93494

CRL.O.P. (MD) No.19446 of 2018
31.10.2018

MM

ES/PM/SAR 3/05.12.2018/3P/5C