



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD).No.18320 of 2018

and

Cr1.M.P(MD).Nos. 8167 & 8168 of 2018

1.Ganesh@Ganeshkumar

2.Veeraraj

...Petitioners/Accused Nos.1 & 3

Vs

1.The Deputy Superintendent of Police  
Aruppukottai Sub Division,  
Aruppukottai, Virudhunagar District

2.State through Inspector of Police  
Mallankinar Police Station  
Virudhunagar District

...Respondents Nos.1 & 2  
/Complainant

3.Jothi Basu

...Respondent No.3  
/Defacto Complainant

4.Kaleeswaran  
5.Ramachandran  
6.Ganesh Kumar

...Respondent Nos. 4 to 6  
/Victims/L.W. 4 to 6

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records relating to the proceedings in PRC.No.1 of 2018 on the file of the Judicial Magistrate No.I, Virudhunagar and quash the same as far as the petitioners/Accused Nos. 1 and 3.

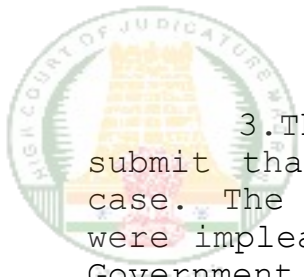
For Petitioners  
For R-1&2

:Mr.G.Mariappan  
:Mr.Chandra Sekaran  
Additional Public Prosecutor

### O R D E R

This Criminal Original Petition has been filed to quash the criminal proceedings in PRC.No.1 of 2018 pending on the file of the Judicial Magistrate No.I, Virudhunagar.

2.The petitioners are arrayed as Accused Nos. 1 and 3 in the final report. The final report has been filed for the alleged offences under Sections 147, 148, 294(b), 324 I.P.C r/w Section 3(1) (1) (5) and 3(2) (va) SC/ST Act.



3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case. The learned counsel further submits that these petitioners were impleaded only with an intention to stop them from getting any Government job.

WEB COPY

4.The learned counsel for the petitioners has also brought to the notice of this Court about the fact that insofar as the other accused persons are concerned, the defacto complainant and the victim have appeared before this Court and made statement that there was a private dispute between the parties which resulted in filing of the complaint and thereafter the parties have compromised the dispute among themselves. In CrI.O.P.No.18356 of 2018, the other accused persons and the defacto complainant along with the victim had filed a memo of compromise and the same was recorded by this Court. This Court also personally enquired the defacto complainant and also all the victims with regard to the incident and it is seen that the private dispute has been projected in an exaggerated manner. Accordingly, CrI.O.P(MD).No.18356 of 2018 was allowed by this Court and the final report in PRC.No.1 of 2018 was quashed.

5.In view of the above, it is clear that no such incident as sought to be projected by the prosecution had really taken place. There was some private dispute between the parties and the same has also been settled, subsequently. The petitioners in this case have been arrayed as Accused Nos. 1 and 3. That apart, the defacto complainant himself has deposed before this Court that the matter has been settled amount the parties, amicably. No useful purpose will be served in keeping the proceedings in P.R.C.No. 1 of 2018 pending.

6.In the result, the proceedings in P.R.C.No.1 of 2018 on the file of the Judicial Magistrate No.I, Virudhunagar is hereby quashed. It is made clear that the proceedings are quashed, based on the merits of the case.

7.Accordingly, this criminal original petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-II)



1.The Deputy Superintendent of Police  
Aruppukottai Sub Division,  
Aruppukottai, Virudhunagar District

2.The Inspector of Police  
Mallankinar Police Station  
Virudhunagar District

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

+1cc to Mr.G.Mariappan,Advocate in SR No.90126

**Cr1.O.P. (MD) .No.18320 of 2018**  
**and**  
**Cr1.M.P (MD) .Nos. 8167 & 8168 of 2018**

NM/SKN/SAR II/23.10.18/3P/5C.