



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl OP(MD)Nos.1324 & 23142 of 2013 and 15170 of 2014
and
MP(MD)Nos.1 and 2 of 2013 in Crl OP(MD)No.1324 of 2013
&
MP(MD)Nos.1 and 2 of 2014 in Crl OP(MD)No.15170 of 2014

Crl OP(MD)No.1324 of 2013 :

1.M.Mariya Selvaraj

2.J.Arockiasamy

3.J.Priyadhashan

4.S.Arulsamy

5.T.Mariyamanokaraj

... Petitioners

Vs.

Rev.Fr.A.Xavier

... Respondent

Prayer : This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the complaint in S.T.C No.1515 of 2012 on the file of the Judicial Magistrate, Nilakottai and quash the same.

Crl OP(MD)No.23142 of 2013 :

Rev.For.A.Xavier

... Petitioner

Vs.

1.M.Mariya Selvaraj

2.J.Arockiasamy

3.J.Priyadhashan

4.S.Arulsamy

<https://hcservices.ecourts.gov.in/hcservices/>

5.T.Mariyamanokaraj

... Respondents



Prayer : This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the Court of Judicial Magistrate, Nilakottai to complete the trial in S.T.C No.1515 of 2012 within the stipulated period.

Cr1 OP(MD)No.15170 of 2014 :

Fr.A.Xavier

... Petitioner

Vs.

M.Mariya Selvaraj

... Respondent

Prayer : This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the summon issued by the Judicial Magistrate Court, Nilakkottai in C.C.No.96 of 2014 and quash the same as illegal, violation of Principles of law.

Cr1 OP(MD)No.1324 of 2013 :

For Petitioners

: Mr.C.K.M.Appaji

For Respondent

: Mr.G.Marimuthu

Cr1 OP(MD)No.23142 of 2013 :

For Petitioner

: Mr.G.Marimuthu

For Respondents

: Mr.R.Manoharan for R5

Cr1 OP(MD)No.15170 of 2014 :

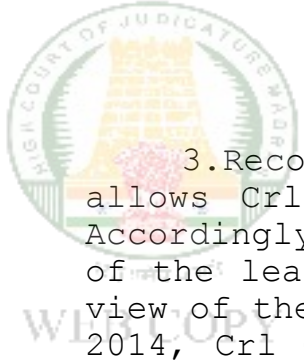
For Petitioner

: Mr.G.Marimuthu

COMMON ORDER

These Criminal Original Petitions pertain to Parish Priest in Infant Jesus Shrine, Kavirayapuram. Dispute broke out between Rev.Fr.A.Xavier on the one hand and Mariya Selvara Vagayara on the other. Both sides instituted criminal prosecution against each other. Cr1 OP(MD)No.23142 of 2013 has been filed for expediting the trial in STC.No.1515 of 2012 on the file of the learned Judicial Magistrate, Nilakottai. Cr1 OP(MD)No.1324 of 2013 has been filed by the accused for quashing the very same proceedings. The petitioner in Cr1 OP(MD)No.15170 of 2014 seeks quashing of C.C.No.96 of 2014 on the file of the learned Judicial Magistrate Court, Nilakkottai.

2.When the matters were listed before this Court for hearing, this Court suggested to the parties that they could amicably resolve the issue. Good sense prevailed on both the parties. Therefore, this Court is in a position to give a quietus to the entire issue. Mariya Selvaraj and his friends have affirmed before this Court that they did not publish or circulate the offending pamphlet. Therefore, Rev.Fr.A.Xavier is agreeable for quashing of the proceedings in STC.No.1515 of 2012. Likewise, the complainant in CC No.96 of 2014 is also agreeable for quashing the same.



3. Recording the fair offer made on either side, this Court allows Cr1 OP(MD)No.1324 of 2013 and Cr1 OP(MD)No.15170 of 2014. Accordingly, STC No.1515 of 2012 and C.C No.96 of 2014 on the file of the learned Judicial Magistrate, Nilakottai stand quashed. In view of the order passed in Cr1 OP(MD)Nos.1324 of 2013 and 15170 of 2014, Cr1 OP(MD)No.23142 of 2013 is dismissed. Consequently, all the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-III)

To

- 1.The Judicial Magistrate,
Nilakottai
- 2.The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.

+1CC to MR.C.K.M.Appaji Advocate in Sr.No.70683.
+3cCs to M/s.G.M.Law Office in Sr.Nos.70581,70580,70579.

SKM
DS SKN SAR-3:03.09.2018: 3P/7C

Cr1 OP(MD)Nos.1324 & 23142 of 2013
and 15170 of 2014
29.06.2018