



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2018

CORAM :

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl OP(MD)No.15895 of 2013
and
MP(MD)No.1 of 2013

1.S.Sankar,
Inspector of Police

2.Rengarajan
Special Sub Inspector

3.Sathiyaseelan
Special Sub Inspector

4.Muthiah
Head Constable

5.Soundararajan
Head Constable

6.Pandiayarajan
Head Constable

7.Marimuthu ... Petitioners

Vs.

P.Ragupathy ... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to call for the records relating to the impugned complained of the respondent in PRC No.1 of 2013 on the file of Judicial Magistrate - I, Sivagangai, quash the same.

For Petitioners : Mr.R.Srinivasan
For Respondent : Mr.N.Mohan

ORDER

The petitioners have filed this Criminal Original Petition for quashing PRC No.1 of 2013 on the file of the Judicial Magistrate-I, Sivagangai. The respondent herein has filed the said private complaint. The respondent is a practicing advocate. The complaint has been filed under Sections 147, 166, 294(b), 323, 506(ii) IPC and Sec.3 (1) (x) of the SC/ST Prevention of Atrocities Act, 1989 and Section 30 of Protection of Human Rights Violation Act.



2. When the matter was taken up for disposal, this Court suggested to both the parties to amicably resolve the matter. Pursuant to the aforesaid suggestion, a meeting was arranged between them through the good offices of the counsel on either side. It is beyond dispute that the respondent Thiru.Ragupathy had gone to Sivagangai on 06.08.2011 to take part in a cricket match. He was picked up by the petitioners herein and taken to the police station. It is this occurrence that has triggered the impugned proceedings. This Court gives its categorical finding that the respondent is absolutely free of any blame and that he was taken to the police station and detained there without any justification whatsoever.

3. But, at the same time, this Court also notes that the petitioners did not have any motive against the respondent herein. Acting under the impression that they are discharging a public duty they had by mistake picked up the respondent herein. Since this Court does not doubt the bonafides of the petitioners, this Court suggested to the petitioners to settle the matter amicably. The petitioners have finally realized the mistake committed by them. They therefore shall give individual letters of apology to the respondent herein. The petitioners have also agreed to pay a token compensation of sum of Rs.1.00 lakh to the respondent.

4. The petitioners are present before this Court. This undertaking given by them that on 13.06.2018 they shall hand over a Demand Draft drawn in favour of the respondent for a sum of Rs.1.00 Lakh together with such letters of individual apology addressed to the respondent herein. The original letters will be part of court record and will not be circulated or published. The complainant/respondent is also present in person. This Court genuinely hopes that the wound suffered by the respondent will truly be healed. Since the matter has been amicably resolved, this Court quashes impugned proceedings in PRC No.1 of 2013 on the file of Judicial Magistrate No.I, Sivagangai. It is made clear that the cause of action is given a complete quietus and there shall not be any civil or criminal proceedings further based on the present cause of action.

5. This Criminal Original Petition stands allowed. Since the entire proceedings have been quashed in view of the amicable resolution of the issue, it is made clear that this shall not cast any shadow on the petitioners' career prospects. In other words, their promotion shall not be affected merely because they have apologized to the respondent or that they have paid a sum of Rs.1.00 lakh as token compensation for settling the issue. It is also made clear that this Court has found the petitioners not guilty of any offence. This Court places on record its appreciation of the magnanimity shown by the respondent.



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6. Accordingly this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed. For reporting compliance, post this case on 13.06.2018.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No. I,
Sivagangai.

2. The Chief Judicial Magistrate,
Sivagangai.

Cr1 OP (MD) No. 15895 of 2013

and

MP (MD) No. 1 of 2013

08.06.2018

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RAM/SKN RSK/SAR 2/29.06.2018/3P/3C