



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1. OP (MD)No.16048 of 2013
and
MP(MD)No.1 of 2013

1.G.Joseph Immanuel Inbaraj

2.P.Stephen @ Solomon

... Petitioners

Vs.

1.State rep by

The Sub Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
in Crime No.2500/2011

2.Ravichandran

... Respondents

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for records from the lower court to quash all the further proceedings in C.C.No.195 of 2012 pending on the file of the Judicial Magistrate No.II, Madurai.

For Petitioners	: Mr.T.K.Gopalan
For Respondent	: Mr.A.Robinson
	Govt.Advocate for R1
	No appearance for R2

ORDER

The petitioners have filed this Criminal Original Petition for quashing the C.C.No.195 of 2012 on the file of the Judicial Magistrate No.II, Madurai. The second respondent is the defacto complainant. The case of the prosecution is that on 08.10.2011 at about 04.30 P.M when the second respondent was on duty, a quarrel took place in connection with a road accident between the petitioners and the second respondent. According to the second respondent, the petitioners had prevented the second respondent from discharging his official duties and also assaulted him.

2.This Court went through the entire materials on record. It is seen that the first petitioner who was aged about 55 years during the relevant time was admitted in hospital at about 08.25 P.M. The second respondent got himself admitted at 10.55 P.M. It can be seen that some quarrel had been taken place between the petitioners and



the second respondent and that both parties had suffered injury in the process. It appears that both sides lodged complaints. The occurrence in question appears to be petty in nature and and it has been blown out of proportion. The first petitioner was also a senior Government official during the relevant time.

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3.The learned counsel appearing for the petitioner submitted that the officers of the commercial tax department struck work. The then Deputy Commissioner of Police, Thiru.Thirunavukarasu persuaded them to amicably settle the issue. The learned counsel for the petitioner submitted that in view of the persuasion of the said high ranking official, the petitioner did not pursue the matter further. But, then the second respondent had chosen to be vindictive.

4.Taking into account the entire facts and circumstances of this case, this Court is of the view that the interest of justice is require that the impugned prosecution is quashed. It is accordingly quashed. This petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.II,
Madurai.
- 2.The Sub Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.T.K.Gopalan, Advocate SR.No. 63885

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