



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1. OP (MD)Nos.16980, 23053 of 2013 and 21162 of 2014
and
MP(MD)Nos.1 and 1 of 2013

Cr1 OP(MD)No.16980 of 2013 :

1.C.Natesan

2.A.Sivasankar

... Petitioners/Accused Nos.3 & 5

Vs.

1. The State of Tamil Nadu,
Rep.by its Inspector of Police,
Thenthamaraikulam Police Station,
Kanyakumari District.
(Crime No.79 of 2011)

... Respondent/Complainant

2.H.Jegan

... Respondent/Defacto Complainant

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records pertaining to the charge sheet in C.C No.76 of 2013 pending before the Judicial Magistrate No.III, Nagercoil in Crime No.79 of 2011 dated 02.05.2011 on the file of the first respondent for the alleged offences u/ss. 147, 148, 341, 294(b), 324, 323 and 326 IPC and quash the same as illegal.

Cr1 OP(MD)No.21162 of 2014 :

1.H.Mathan

2.Hariragavan

3.Perumal

4.Jegan

5.Rajagopal

... Petitioners/Accused Nos.1 to 5

Vs.



1. State represented by
Inspector of Police,
Then Thamaraiikulam Police Station,
Kanyakumari District.
(Crime No.80 of 2011)

...1st Respondent/Complainant

2.Sivaji

...2nd Respondent/Defacto Complainant

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records relating to the case in C.C.No.137 of 2012 on the file of the Judicial Magistrate No.III, Nagercoil, Kanyakumari District.

Crl OP(MD)No.23053 of 2013 :

1.A.Shivaji

2.T.Radar

3.P.Suresh

4.A.Shivasankar ... Petitioners/Accused Nos.1,2,4 & 5

Vs.

1. The State of Tamil Nadu,
Rep.by its Inspector of Police,
Thenthamaraiikulam Police Station,
Kanyakumari District.
(Crime No.79 of 2011)

... Respondent/Complainant

2.H.Jegan ... Respondent/Defacto Complainant

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to transfer the case in C.C.No.76 of 2013 on the file of the learned Judicial Magistrate No.III, Nagercoil in Crime No.79 of 2011 dated 02.05.2011 to the learned Judicial Magistrate, Valliyoor, Tirunelveli District or any other competent court outside Kanyakumari District within the time stipulated by this Court.

For Petitioner

in Crl OP(MD)Nos.
16980 & 23053 of 2013

: Mr.T.Lajapathi Roy

in Crl OP(MD)No.21162 of 2014

: Mr.L.George Paul Anto

For Respondents in Crl OP(MD)Nos.
16980 & 23053 of 2013



: Mr.Prabhu Ramachandran
Govt.Advocate for R1

: Mr.L.George Paul Anto for R2

in Cr1 OP(MD)No.21162 of 2014

: Mr.Prabhu Ramachandran
Govt.Advocate for R1

: Mr.T.Lajapathi Roy for R2

COMMON ORDER

Cr1 OP(MD)Nos.16980 & 23053 of 2013 have been filed for quashing the CC.No.76 of 2013 on the file of the learned Judicial Magistrate No.III, Nagercoil. The defacto complainant is one Jegan. He made a complaint in Crime No.79 of 2011 on the file of the Thenthamaraikulam Police Station. One of the accused C.Natesan has passed away. The other accused and the defacto complainant have filed a Joint Compromise Memo before this Court.

2.The learned counsel appearing for the accused as well as the defacto complainant submitted that parties appeared before this Court on the last occasion. It is also submitted that the parties are siblings and the entire issues arose with regard to the civil disputes pending between them.

3.Taking note of all these aspects and considering the fact that the parties have filed a Joint Compromise Memo, this Court comes to the conclusion that no purpose will be served by permitting the impugned prosecution to continue. It will only be an abuse of legal process. The impugned prosecution in C.C No.76 of 2013 on the file of the learned Judicial Magistrate No.III, Nagercoil is quashed.

4.Cr1 OP(MD)Nos. **(*)16980 of 2013 and 21162 of 2014** are allowed. In view of the order passed in these two petitions, no orders are necessary in Cr1 OP(MD)No. **(*) (*)23053 of 2013**. The same is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

Sd/-
Assistant Registrar(CS-II)

**(*) and (*) (*) Amended as per order of
this Hon'ble Court dated 23.08.2018**

/True Copy/



To
(*) To be substituted the order already
despatched on 10.07.2018.**

1. The Judicial Magistrate No.III,
Nagercoil.
2. The Inspector of Police,
Thenthamaraikulam Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+4 ccs TO Mr.T.Lajapathi Roy, Advocate in SR
No.59632,59631,**79920,79919.**

+2 ccs TO Mr.L.George Paul Anto,Advocate in SR No.59871,59870

skm
AE/PN/SAR1/09.07.2018/4P/9C

CMR
DS SKN RSK SAR-2:11.09.2018: 4P/10C

**Cr1. OP (MD)Nos.16980, 23053 of 2013 and
21162 of 2014
and
MP (MD) Nos.1 and 1 of 2013
03.04.2018**