



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2018

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P.(MD)No.20218 of 2013

and

M.P.(MD)No.1 of 2013

1.A.Victor
2.M.A.Akilan
3.R.Dharmaraj

... Petitioners/Accused Nos.1 to 3

-vs-

1. The Inspector of Police,
Nesamani Nagar Police Station,
Asaripallam,
Kanyakumari District.
(Crime No.455 of 2011)

... 1st Respondent / Complainant

2. N.Natarajan

... 2nd Respondent /
Defacto complainant

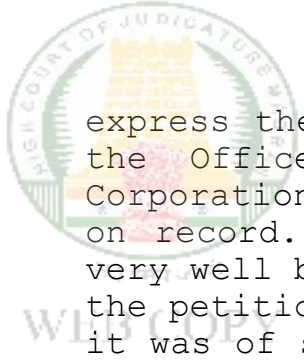
Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.186 of 2012 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District and quash the same.

For Petitioners	: Mr.G.Jeremiah for M/s.F.Deepak
For R-1	: Mr.A.Robinson Government Advocate (Crl.side)
For R-2	: Mr.K.Sathiya Singh

ORDER

The petitioners 1 and 3 are practising Lawyers, the second petitioner is the Law student. They were travelling in a car in Kanyakumari District. While reversing the car, they had a quarrel with the second respondent herein that led to registration of Crime No.455 of 2011 on the file of the first respondent police and a final report was filed and the same was taken on file in C.C.No.186 of 2012 by the Judicial Magistrate No.I, Nagercoil.

2.When the matter was taken up for hearing, this Court suggested to the petitioners that they could go in person and



express their sincere regret. Accordingly, the petitioners went to the Office of the General Manager, Tamilnadu State Transport Corporation and gave a written apology and the same was undertaken on record. This Court is of the view that Section 95 I.P.C. can very well be invoked in this case. It is true that due to the act of the petitioners some harm was caused to the second respondent. But it was of such a nature that no person of ordinary sense and temper would complain. Therefore, the impugned proceedings in C.C.No.186 of 2012 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District stand quashed.

3. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

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

RMK/LS
TE/RP/SAR-3 : 16/07/2018 : 2P/4C

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