



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.11136 of 2014

and

Crl MP(MD)No.1 of 2014 & 10777 of 2016

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1.Vino
2.Ragu
3.Arulrathinasamy

... Petitioners /
Accused Nos.1 to 3

Vs.

1.The Inspector of Police,
Pazhavor Police Station,
Pazhavor, Tirunelveli District.
(Crime No.09 of 2012)

...Respondent/
complainant

2.Thavasimuthu

... Respondent /
Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records from the learned Judicial Magistrate Court, Valliyoor, Tirunelveli District in C.C No.17 of 2014 and quash the same as it has no prima facie case against the petitioners.

For Petitioners : Mr.Ananth C.Rajesh

For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1

Mr.S.Palani Velayutham for R2

ORDER

The petitioners in this criminal original petition are facing trial in C.C No.17 of 2014 on the file of the Judicial Magistrate, Valliyoor. Thiru.Thavasimuthu is the defacto complainant in this case. He is now no more. Likewise, Ragu, the second petitioner herein is the defacto complainant in S.C No.493 of 2015 on the file of the Assistant Sessions Judge, Valliyoor. In the said case, the first petitioner herein namely, Vino is the victim.

2.Certain subsequent developments had taken place. The matter was also referred to mediation. All the parties hail from the same street. They are also relatives. Therefore, the matter appears to have been amicably settled. Even if S.C No.493 of 2015 is taken up for trial, Vino will turn hostile. Therefore, to



save the precious time of the court below, I am of the view that both the proceedings deserve to be quashed. I am conscious that the accused in C.C No.17 of 2014 on the file of the Judicial Magistrate, Valliyoor have filed this quash petition and that the accused in S.C No.493 of 2015 have not filed any quash petition.

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3.The learned counsel appearing for the defacto complainant in this case states that the matter was referred to mediation and that it is the only reason for not filing the quash petition. Since the counsel on either side state that the issue has been resolved, I am of the view that continuing the impugned prosecution would only amount to abuse of legal process. Therefore, exercising my power under Section 482 of Cr.PC, I quash not only C.C No.17 of 2014 on the file of the Judicial Magistrate, Valliyoor and also S.C No.493 of 2015 on the file of the Assistant Sessions Judge, Valliyoor. This criminal original petition is allowed accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Inspector of Police,
Pazhavor Police Station,
Pazhavor, Tirunelveli District.

2.The Judicial Magistrate Court, Valliyoor, Tirunelveli District.

3.The Assistant Sessions Judge, Valliyoor.

+1 CC to M/s.ANANTH.C.RAJESH, Advocate (SR-86404[F] dated 12/09/2019)

+1 CC to M/s.S.PALANIVELAYUTHAM, Advocate (SR-86649[F] dated 13/09/2019)

Crl OP(MD)No.11136 of 2014

and

Crl MP(MD)No.1 of 2014 &

10777 of 2016

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