



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.10.2019
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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Crl.O.P. (MD)No.8698 of 2014
and
M.P. (MD)Nos.1 and 3 of 2014
and
Crl.O.P. (MD)No.403 of 2015
and
M.P. (MD)No.1 of 2015
and
Crl.O.P. (MD)No.8217 of 2019
and
Crl.M.P. (MD)No.5111 of 2019

Crl.O.P. (MD)No.8698 of 2014:-

1.S.R.Anbarasu

2.Uclid Einstin ... Petitioners / Accused No.1 & 2

Vs

State through its:-

1.The Inspector of Police,
Valliyoor Police Station,
Radhapuram Taluk,
Tirunelveli District.
(Crime No.513 of 2012) ... Respondent / Complainant

2.E.Rabino ... Respondent / Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the charge sheet in P.R.C.No.7 of 2014, on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District and quash the same.

For Petitioners : Mr.V.Mohan
For Mr.T.R.Janardhanan

For Respondents : Mr.A.Robinson
Govt. Advocate (Crl. Side) for R1
: Mr.S.Hameed Ismail for R2



Crl.O.P. (MD)No.403 of 2015:-

Rabino

... Petitioner / Sole Accused

Vs

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1.The State rep by
The Inspector of Police,
Valliyur Police Station,
Tirunelveli District.
(Crime No.512 of 2012) ... Respondent / Complainant

2.S.R.Anbarasu ... Respondent / Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the charge sheet in P.R.C.No.6 of 2014, on the file of the learned Judicial Magistrate, Valliyur, Tirunelveli District and quash the same.

For Petitioner: Mr.Thalamutharasu
for M/s.K.J.Associates

For Respondents: Mr.A.Robinson
Govt. Advocate (Crl. Side) for R1

: Mr.V.Mohan
For Mr.T.R.Janardhanan for R2

Crl.O.P. (MD)No.8217 of 2019:-

S.R.Anbarasu ... Petitioner / Accused No.1

Vs

1.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District. ... Respondent / Complainant

2.E.Rabino ... Respondent / Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned order issuing non bailable warrant against the petitioner in P.R.C.No.7 of 2014, dated 04.06.2019, made by the learned Judicial Magistrate, Valliyoor and set aside the same.

For Petitioner: Mr.V.Mohan
For Mr.T.R.Janardhanan



For Respondents: Mr.A.Robinson
Govt. Advocate (Crl. Side) for R1

: Mr.Thalamutharasu
for M/s.K.J.Associates

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C O M M O N O R D E R

The parties to these criminal original petitions namely., Thiru.S.R.Anbarasu, Thiru.Uclid Einstein and Thiru.E.Rabino are practicing lawyers and are members of the Valliyoor Bar Association. It appears that the Bar Association is divided into two namely., Civil Bar and the Bar representing the criminal lawyers. Thiru S.R.Anbarasu is an officer bearer of the Civil Bar while Thiru.E.Rabino is an officer bearer of the other Bar. On account of certain disputes pertaining to the affairs of the Bar Association, the relationship between S.R.Anbarasu and Thiru E.Rabino was under strain.

2.According to Thiru.S.R.Anbarasu, Thiru.E.Rabino came to his office on 02.08.2012 and attacked him and caused him injuries. According to Thiru.E.Rabino, Thiru.S.R.Anbarasu as well as Thiru.Uclid Einstein attacked him outside his office on the said date. While Thiru.E.Rabino is shown as accused in Crime No.512 of 2012, on the file of Valliyoor Police Station, Thiru.S.R.Anbarasu and Thiru.Uclid Einstein are shown as accused in Crime No.513 of 2012, registered on the same police station. Investigation was conducted and final reports were filed in both the cases and both the cases are pending for committal in P.R.C.Nos.6 and 7 of 2014, respectively. Thiru.E.Rabino filed Crl.O.P.(MD)No.403 of 2015 for quashing the proceedings against him while Thiru.S.R.Anbarasu filed Crl.O.P.(MD)No.8698 of 2014 for quashing the proceedings in P.R.C.No.7 of 2014, on the file of the learned Judicial Magistrate, Valliyoor. Since NBW came to be issued against Thiru S.R.Anbarasu, he filed Crl.O.P.(MD)No.8217 of 2019, for quashing the same. Since all these criminal original petitions are interconnected, they were taken up for common disposal.

3.Heard the learned counsel on either side.

4.This Court suggested that since the parties concerned are practicing lawyers, they should give a quietus to the issue. This Court suggested the terms on which both the cases can be quashed. Thiru.E.Rabino, who is present in person before this Court agreed to the course of action suggested by this Court. Mr.V.Mohan, the learned counsel representing Thiru.S.R.Anbarasu and Thiru.Uclid Einstein and he had instructions from his clients for quashing both the proceedings on the terms suggested by this Court.



5.It is seen that the case lodged by Thiru.S.R.Anbarasu is earlier in point of time. It was registered on the same day i.e., 02.08.2012. On the other hand, the case given by Thiru.E.Rabino was registered only on the next day i.e., 03.08.2012. Thiru.E.Rabino would claim that there was a telephonic conversation between him and Thiru.S.R.Anbarasu and that it was Thiru.S.R.Anbarasu, who invited Thiru.E.B.Rabinao to his office where the occurrence took place. Mr.V.Mohan, learned counsel representing Thiru.S.R.Anbarasu would point out that no such telephonic conversation took place and that he seriously faulted the police investigation for not securing the call data details in this regard.

6.I cannot close my eyes to the fact that the occurrence in question took place very much in the office of Thiru.S.R.Anbarasu.

7.Mr.Mohan, learned counsel would point out that the case lodged by Thiru.E.Rabino is inherently improbable and that it has to be quashed as being vitiated by mala fides.

8.Taking note of the over all circumstances and since the parties have arrived at a consensus, I am of the view that these criminal original petitions deserve to be quashed to secure the ends of justice.

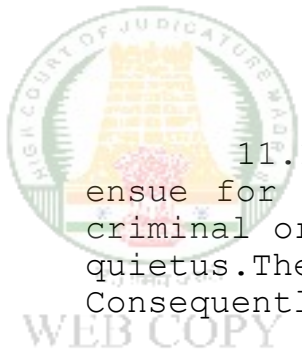
(i) Thiru.E.B.Rabino will file an affidavit before this Court expressing his unconditional apology to Thiru.S.R.Anbarasu.

(ii) Thiru.E.Rabinao will take a demand draft for a sum of Rs.1,001/- in the name of Thiru.S.R.Anbarasu and hand over the same through his counsel to Mr.T.R.Janardhanan.

(ii) Thiru.E.Rabinao has no objection for quashing the proceedings in P.R.C.No.7 of 2014, on the file of the learned Judicial Magistrate, Valiyoor, as totally lacking in factual foundation.

9.Since Thiru.E.Rabino, who is present in person is agreeing for the terms set out above, impugned proceedings in P.R.C.Nos.6 and 7 of 2014, pending on the file of the learned Judicial Magistrate, Valliyoor, stand quashed and these criminal original petitions are allowed on these terms.

10.At this stage, Mr.V.Mohan, learned counsel appearing for the petitioner points out that a resolution has been passed by the Bar Association of Valiyoor that Thiru.S.R.Anabarasu should not practise in Valiyoor Court. Thiru.E.Rabino clearly affirms before this Court that no such resolution has been passed. If that be so, I am glad to record the same. Be that as it may, since the right to practice is a fundamental right guaranteed under Article 19(1)(g) of the Constitution of India, there cannot be any impediment or restrain for Thiru.S.R.Anbarasu to practise before any Court, including the Courts at Valiyoor.



11.It is further clarified that no further consequence will ensue for Thiru.E.Rabino in respect of the subject matter of these criminal original petitions. The issue is given a complete and total quietus. These criminal original petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Judicial Magistrate,
Valliyoer.

2.The Inspector of Police,
Valliyoer Police Station,
Radhapuram Taluk,
Tirunelveli District.

+1 CC to M/s.T.R.JANARTHANAN, Advocate (SR-94984[F]

+1 CC to M/s.P.SIVACHANDRAN, Advocate (SR-95283[F]

**Crl.O.P. (MD)No.8698 of 2014
and
Crl.O.P. (MD)No.403 of 2015
and
Crl.O.P. (MD)No.8217 of 2019
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