



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

(*)CRL.O.P. (MD)No.534 of 2015 and

M.P.(MD)Nos.1 and 2 of 2015

Davidson

... Petitioner/A Party

Vs.

1. State rep. by,
The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
(Crime No.140 of 2014)

... 1st Respondent/Complainant

2. A.Xavier

... 2nd Respondent/B Party

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records relating to the case in S.T.C.No.746 of 2014 on the file of the Judicial Magistrate No.I, Kuzhithurai and quash the same.

For Petitioner : Mr.B.Brijesh Kishore

For R-1 : Mr.A.Robinson,
Government Advocate (Crl.Side).

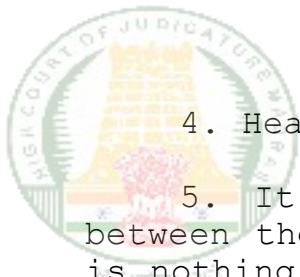
For R-2 : Mr.N.S.Ramakrishnadoss

ORDER

This Criminal Original petition has been filed to quash the proceedings in S.T.C.No.746 of 2014 pending on the file of the Judicial Magistrate No.I, Kuzhithurai.

2. The first respondent is the complainant. The petitioner and the second respondent herein are alleged to have fought with each other in a public place. That led to registration of Crime No.140 of 2014 for the offence under Section 160 of I.P.C. Final report was filed and the same was taken on file for the said offence.

3. Though Davidson as well as Xavier are the accused in the S.T.C.No.746 of 2014, Davidson alone has moved this Court for quashing the same.



4. Heard the learned counsel on either side.

5. It is true that according to the prosecution, the fight between the two had taken place in a public view. But then, there is nothing on record to indicate that public peace was disturbed as a result. Since this elementary ingredient is absent, I am inclined to quash the impugned proceedings.

6. The impugned proceedings stand quashed. The Criminal Original petition stands allowed. Even though Xavier has not moved this Court for the same relief in his favour, the benefit of this order will enure to him also.

Consequently, connected Miscellaneous petitions are closed.

Sd/

Assistant Registrar
(Dated: 23.10.2019)

(*) Corrected Order

Sd/

Assistant Registrar(CO)
(Dated: 07.11.2019)

// True Copy //

Sub Assistant Registrar(CS)

pmu

To

(*) TO BE SUBSTITUTED THE ORDER ALREADY DESPATCHED ON 30.10.2019

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

+1CC TO MR.B.BRIJESH KISHORE, Advocate Sr. No. 89519

(*) CRL.O.P. (MD) No.534 of 2015
25.09.2019

PM(CO)

TR(24.10.2019) 2P 5C

TR(07.11.2019) 2P 5C