



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P. (MD)No.6175 of 2015
and M.P. (MD)Nos.1 and 2 of 2015

WEB COPY

1. M.Stephen
2. Francis Stephen
3. Mary

... Petitioners/Accused Nos.2 to 4

Vs.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Nesamony Nagar police station,
Kanyakumari District.

... 1st Respondent/ Complainant

2. Manuel

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the complaint in C.C.No.27 of 2015 on the file of the Judicial Magistrate No.2, Nagercoil and quash the same.

For Petitioners	: Mr. C.K.M.Appaji
For R-1	: Mr.A.Robinson, Government Advocate (Crl.Side)
For R-2	: Mr.S.Ramasamy

O R D E R

The petitioners are accused in C.C.No.27 of 2015 on the file of the Judicial Magistrate No.II, Nagercoil.

2. A petty incident, namely, causing of nuisance by a dog belonging to the first petitioner had given rise to the occurrence in question. The second respondent lodged a complaint before Nesamony Nagar police station leading to registration of crime No.258 of 2014. The case was closed as "Mistake of Fact". The second respondent herein thereafter filed the impugned private complaint and the same was taken on file. Cognizance of the offences under Sections 147, 294(b), 452, 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act was taken. To quash the same, accused Nos.2 to 4 filed this criminal original petition.

3. Heard the learned counsel on either side.

4. This Court suggested to the learned counsel on either side that the entire proceedings could be quashed, provided the

<https://hcservices.ecourts.gov.in/hcservices/>



petitioner agreed to pay a certain sum of compensation to the second respondent herein.

5. I am happy to record that the second respondent has graciously accepted the suggestion given by this Court. The petitioners are directed to take a Demand Draft for a sum of Rs.10,000/- (Rupees Ten Thousand only) favouring the second respondent herein and the said demand draft will be handed over to the second respondent counsel within a period of two weeks from the date of receipt of a copy of this order. The second respondent has no objection for quashing the impugned proceedings.

6. Accordingly, the impugned prosecution stands quashed. The benefit of this order will also enure to the first accused who is not one of the petitioners before this Court.

7. The criminal original petition stands allowed, accordingly. If the petitioners fail to hand over the demand draft for a sum of Rs.10,000/- favouring the second respondent through his counsel within a period of two weeks as mentioned above, this order now passed would stand recalled automatically and this petition stands dismissed. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

pmu

To

1. The Judicial Magistrate No.2,
Nagercoil.
2. The Inspector of Police,
Nesamony Nagar police station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.C.K.M.APPAJI, Advocate (SR-94733[F] dated 25/10/2019)
+1 CC to Mr.S.RAMASAMY, Advocate (SR-94768[F] dated 25/10/2019)

CRL.O.P. (MD)No.6175 of 2015
and M.P. (MD)Nos.1 and 2 of 2015
25.10.2019

MK (11.12.2019) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>