



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.6237 of 2016

and

Crl MP(MD)Nos.3108 & 3109 of 2016

C.Periyasamy

... Petitioner / Accused

Vs.

P.Ramasamy

... Respondent / Complainant

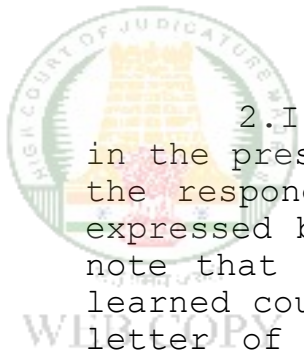
Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records of the private complaint in C.C No.10 of 2016 on the file of the Judicial Magistrate No.1, Karur and quash the same.

For Petitioner : Mr.S.Gokul Raj

For Respondent : Mr.Athulya Misra

ORDER

The petitioner is facing trial in C.C No.10 of 2016 on the file of the Judicial Magistrate No.1, Karur. It is a private complaint instituted by the respondent herein for the offences under Sections 499, 500 and 501 IPC. The petitioner and the respondent belong to the same community. The petitioner appears to have been excommunicated from the community. It was because certain allegations were made against him. When he was the office bearer of the complainant society, he was alleged to have committed misappropriation. Aggrieved by the act of excommunication, the petitioner as well as his wife submitted representations to the Chief Minister's Special Cell. They had implicated a number of persons. The respondent's name is also figuring in the list given by the petitioner herein. It appears that the respondent was not at all a party to the alleged act of excommunication. Feeling aggrieved by the said implication, the respondent filed C.C No.272 of 2014 against the petitioner's wife and C.C No.10 of 2016 against the petitioner herein. The petitioner's wife filed Crl OP(MD) No.1523 of 2015 for quashing the proceedings initiated against her. I had allowed the said criminal original petition on 19.09.2019 by recording the regret expressed by the petitioner's wife.



2.I felt that the very same course of action can be adopted in the present case also. I suggested to the counsel appearing for the respondent to prevail upon his client to accept the apology expressed by the petitioner and close the matter. I am happy to note that my suggestion has been accepted by the respondent. The learned counsel for the petitioner agrees to hand over a handwritten letter of apology addressed to the respondent. He will also enclose a Demand Draft for a sum of Rs.1001/- as token cost. This will be done by the petitioner within a period of two weeks from the date of receipt of a copy of this order.

3.Since the issue has been amicably resolved in the above terms, I am of the view that the continuation of the impugned proceedings is not warranted. I must also record that as a result of the acts committed by the petitioner herein, reputation of the respondent herein has not been brought down. Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skm

To

The Judicial Magistrate No.1, Karur.

+1 CC to M/s.S.GOKUL RAJ, Advocate (SR-105651[F] dated 18/12/2019)

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and

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JMN(25.02.2020) 2P : 3C