



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.2556 of 2017
and Crl.M.P.No.1980 of 2017

Jeyaprakash

... Petitioner/1st Accused

-vs-

1.Malliga

2.Raj

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the proceedings in C.C.No.87 of 2012 dated 15.07.2011 on the file of the Judicial Magistrate Court No.1, Tuticorin and quash the same as against the petitioner herein.

For Petitioner : Mr.T.Selvan

For Respondent :Ms.Rajaprabha for R1

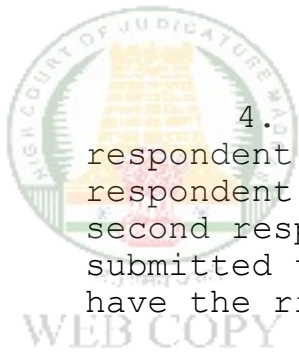
No appearance for R2

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.87/2012 pending on the file of the Judicial Magistrate, No.I, Tuticorin.

2.The first respondent has filed a private complaint before the Court below on the ground that there is a suit pending between the first respondent and the second respondent in O.S.No.117/2011 on the file of the Sub Court, Tuticorin and that the petitioner is trying to put pressure on the first respondent to settle the case with the second respondent and withdraw the suit.

3.The learned counsel for the petitioner submitted that the petitioner is the Inspector of Police and he has nothing to do with the civil dispute between the first respondent and the second respondent. The learned counsel further submitted that the petitioner has already been transferred to Chennai and he is no more working at Sipcot Police Station, Tuticorin. That apart, the learned counsel submitted that the Court below had taken cognizance, even without a sanction and the entire proceeding is an abuse of process of Court.



4. The learned counsel appearing on behalf of the first respondent submitted that the petitioner had threatened the first respondent and was forcing her to come to a settlement with the second respondent and withdraw the suit. The learned counsel further submitted that the petitioner being the Inspector of Police does not have the right to interfere in civil dispute.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. Admittedly, there is a civil dispute pending between the first and second respondents in O.S.No.117/2011 on the file of the Sub Court, Tuticorin. The petitioner has already been transferred to Chennai long back and he has nothing to do with the civil dispute between the parties. Before the cognizance was taken by the Court below, no sanction was obtained and more particularly, since the petitioner was working as an Inspector of Police.

7. In view of the above, the proceedings insofar as the petitioner is concerned is an abuse of process of Court, which requires interference by this Court in exercise of its jurisdiction under Section 482 of the Code of Criminal Procedure.

8. In the result, the proceeding in C.C.No.87/2012 is quashed, insofar as the petitioner is concerned. The Court below is directed to proceed further and complete the proceeding in C.C.No.87/2012 within a period of two months from the date of receipt of copy of this order.

9. The Criminal Original Petition is accordingly allowed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

1.The Judicial Magistrate, NO.I, Tuticorin District.

+1 CC to M/s.T.SELVAN, Advocate SR-89670.

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CS(16.10.2019) 2P 3C