

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.01.2020

CORAM

The Honourable Mr.Justice M.DHANDAPANI

CrI.O.P.Nos.22319 & 25722 of 2013
and
M.P.Nos.1 & 1 of 2013

CrI.O.P.No.22319 of 2013:

P.Sivarajan ...Petitioner/Accused - 1

Vs.

T.Suresh ...Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C. to (i) Dispense with the personal appearance of the petitioner in C.C.No.107 of 2013 on the file of the learned Judicial Magistrate No-1, Attur, Salem District, pending trial in C.C.No.107 of 2013. (ii) Grant stay of all further proceedings in C.C.No.107 of 2013, on the file of the learned Judicial Magistrate No.I, Attur, Salem District, pending disposal of the above quash petition. (iii)Call for the entire records concerned in C.C.No.107 of 2013, on the file of the learned Judicial Magistrate No.I, Attur, Salem District and quash the same.

CrI.O.P.No.25722 of 2013:

Anbarasu ...Petitioner/Accused-2

Vs.

T.Suresh ...Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C. to (ii) Dispense with the production of the Certified copy of the charge sheet in C.C.No.107 of 2013, on the file of the Judicial Magistrate No.I, Attur, Salem District. (ii)Dispense with the personal appearance of the petitioner in C.C.No. 107 of 2013 on the file of the Judicial Magistrate No.I, Attur, Salem District, Pending trial in C.C.No.107 of 2013.

(iii) Grant stay of all further proceedings in C.C.No.107 of 2013 on the file of the Judicial Magistrate No.I, Attur, Salem District, pending disposal of the above quash petition. (iv) Call for the entire records concerned in C.C.No.107 of 2013, on the file of the Judicial Magistrate No.I, Attur, Salem District and quash the same.

For Petitioner
in both petitions : Mr.C.Prakasam

For Respondent
in both petitions : Mr.A.Karthikeyan

COMMON ORDER

The Criminal Original Petitions have been filed praying to quash the proceedings in C.C.No.107 of 2013, on the file of the learned Judicial Magistrate No.I, Attur, Salem District.

2. The case of the prosecution, in short, is as follows:-

(i) The Petitioner / A1 in CrI.O.P.No.22319 of 2013 was a practicing Advocate in Attur as well as Salem District and Sessions Court. Latter, he was appointed as Government Pleader in the District Munsif Court, Attur, in the year 2011. The Respondent / Complainant, was working as Junior under Petitioner / A1. Since the Respondent / Complainant attending the Court as well as Office in an inebriated condition, the entire Bar Association Members agitated against the Respondent / Complainant. Hence, the Petitioner / A1 advised the Respondent / Complainant frequently not to come to Court with an inebriated condition. Further, some money disputes arose between them, for which the Respondent / Complainant filed a complaint against the Petitioner / A1 in Crime No.954 of 2012, for offence under Sections 294(b), 506(i) IPC, r/w. Section 4(1) (i) of Tamil Nadu Prohibition Act, 1937, on the file of Attur Police State, wherein A2 was working as Sub-Inspector of Police, at the relevant point of time. After investigation, the said FIR was referred as Mistake-of-fact. Aggrieved over the same, the Respondent / Complainant filed a private complaint against the Petitioners, under Section 200 Cr.P.C., before the learned Judicial Magistrate, Attur.

(ii) The Petitioner / A2 in CrI.O.P.No.25722 of 2013 was working as Sub-Inspector of Police, Attur Police Station, Salem District, at the relevant point of time. Not satisfying with the closure report filed by the Petitioner / A2 / Sub-Inspector of Police, as Mistake-of-fact, the Respondent/Complainant made a complaint against the Petitioner / A2, which was registered in

Crime No. 953 of 2012, for the offence under Sections 294(b), 506(1) IPC r/w Section 4(1)(i) of TNP Act. Aggrieved over the same, the petitioners are before this Court, with the present petitions for quashment.

3. The learned counsel appearing for the Petitioners / Accused would submit that already the Respondent / Complainant instituted a complaint before the Law Enforcing Agency and the same was referred as Mistake-of-fact. Instead of filing protest petition, the Respondent / Complainant independently filed a private complaint, in order to wreck vengeance against the Petitioners, which is legally unsustainable. Adding further, the learned counsel submitted that it is purely Senior-Junior Advocates problem, which cannot be ventilated before a criminal Court. Hence, the learned counsel prays for quashment of the proceedings in C.C.No.107 of 2013, on the file of the learned Judicial Magistrate No.I, Attur, Salem District.

4. The learned counsel appearing for the Respondent / Complainant fairly admits that it is purely a senior-junior dispute. The learned counsel, on instructions from the Respondent / Complaint submitted that the Respondent / Complainant did not want to proceed any further in the impugned private complaint. Hence, this Court, in order to give quietus and to maintain the good relationship between the Senior and Junior advocates, may quash the proceedings.

5. I have heard the learned counsel appearing on either side and perused the materials available on records.

6. On perusal of the records would show that the Respondent / Complainant, was working as Junior under Petitioner / A1. Since the Respondent / Complainant attending the Court as well as Office in a drunken state, the entire Bar Association Members agitated against the Respondent / Complainant. The Petitioner / A1 advised the Respondent / Complainant not to come to Court as well as office with an inebriated condition. It seems that some money disputes arose between them, for which the Respondent / Complainant filed a complaint against the Petitioner / A1 in Crime No.954 of 2012, on the file of Attur Police State, wherein A2 was working as Sub-Inspector of Police, at the relevant point of time. After investigation, the said FIR was referred as Mistake-of-fact. Hence, the Respondent / Complainant filed a private complaint against the Petitioners / Accused. Hence, the petitioners are before this Court, seeking to quash the proceedings.

7. Be that as it may, when the matter is taken up for hearing, the learned counsel appearing for the Respondent / Complainant fairly admits that it is purely a senior-junior advocates dispute. Further, the learned counsel, on instructions from the Respondent / Complaint submitted that the Respondent / Complainant did not want to proceed any further in the impugned private complaint and therefore, the proceedings in C.C.No.107 of 2013, on the file of the learned Judicial Magistrate No.I, Attur, Salem District, may be quashed, recording his statement.

8. In the light of the submission of the learned counsel appearing for the Respondent / Complainant and in order to give quietus and to maintain the good relationship between the Senior and Junior advocates, this Court is inclined to quash the proceedings. Accordingly, the Criminal Original Petitions are allowed and the proceedings in C.C.No.107 of 2013, on the file of the learned Judicial Magistrate No.I, Attur, Salem District, is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

dua

To

1.The Judicial Magistrate No.I,
Attur, Salem District

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Karthikeyan, Advocate SR.No.6400

CrI.O.P.Nos.22319 & 25722 of 2013
and
M.P.Nos.1 & 1 of 2013

KS(CO)
GMY(20/10/2020)