



Crl.O.P.(MD)Nos.11421, 11737 and 11739 of 2020
and W.P.(MD)No.13930 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)Nos.11421, 11737 and 11739 of 2020
and

W.P. (MD)No.13930 of 2020

and

W.M.P. (MD)No.11584 of 2020

In Crl.O.P. (MD)Nos.11421 and 11737 of 2020:-

A.Jeyaram ... Petitioner in both Crl.O.Ps.

Vs

1.The Commissioner of Police,
Madurai City,
Madurai 625 002.

2.The Assistant Commissioner of Police,
Anna Nagar Circle, Madurai City,
K.K.Nagar,
Madurai-625 020.

3.The Inspector of Police,
Mathichiyam (Law & Order) Police Station,
Mathichiyam,
Madurai-625 020.

4.M.Udayam ... Respondents in both Crl.O.Ps.

5.The Commissioner,
Madurai Corporation,
Madurai.

(R5 is suo motu impleaded
in Crl.O.P. (MD)No.11421 of 2020
vide order dated 29.10.2020)

... 5th Respondent
in Crl.O.P. (MD)No.11421 of 2020

In Crl.O.P. (MD)No.11739 of 2020:-

1.A.Jeyaram
2.J.Chellam

... Petitioners/Accused

Vs.

1.The Assistant Commissioner of Police,
Anna Nagar Circle, Madurai City,
K.K.Nagar, Madurai-625 020.



2.State represented by
Inspector of Police,
Mathichiyam (Law & Order) Police Station,
Mathichiyam, Madurai-625 020. ... Respondents/Complainants

3.M.Udayam. ... 3rd Respondent/
Defacto Complainant

Prayer in Crl.O.P.(MD)No.11421 of 2020: Petition filed under Section 482 Code of Criminal Procedure, to call for the entire enquiry proceedings pertaining to the complaint dated 15.09.2020 in C.No.990/PG/DCP/L&O/MC/2020 on the file of the third respondent and quash the same as illegal.

Prayer in Crl.O.P.(MD)No.11737 of 2020: Petition filed under Section 482 Code of Criminal Procedure, to direct the second and third respondents not to harass the petitioner on the basis of the fourth respondent's complaint.

Prayer in Crl.O.P.(MD)No.11739 of 2020: Petition filed under Section 482 Code of Criminal Procedure, to direct the Special Court of SC/ST (POA) Act, IIIrd Additional Session Judge, Madurai to accept the surrender of the petitioners and consider their bail application and grant bail on the same day of surrender itself in connection with Crime No.1398 of 2020 on the file of the second respondent Police.

For Petitioner : Mr.A.Jeyaram, Party in Person
in CRL O.P.(MD) .11421/20
Mr.M.Iyyasamy, Advocate in
in Crl.O.P.(MD)No.11737 & 11739/20

For R1 to R3 & R5 : Ms.S.E.Veronica Vincent,
(in CRL O.P.(MD) .11421 Govt. Advocate
& 11737 of 2020)
and R1 & R2 in
(Crl.O.P.(MD)No.11739 of 2020)

In W.P.(MD)No.13930 of 2020:-

A.Jeyaram ... Petitioner

Vs

1.The Director General of Police,
State of Tamil Nadu,
Mylapore, Chennai-600 004.

2.The Inspector General of Police,
South Zone, Madurai-625 002.

3.The Deputy Inspector General of Police,
Madurai Circle, Madurai-625 002.



4.The Commissioner of Police,
Madurai City,
Madurai-625 002.

5.Lilly Grace,
The Assistant Commissioner of Police,
Anna Nagar Circle, Madurai City,
K.K.Nagar,
Madurai-625 020.

6.Selvi,
The Inspector of Police,
Mathichiyam (Law & Order) Police Station,
Mathichiyam,
Madurai-625 020.

7.M.Udayam

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to order fair and proper enquiry by officer who is not below the rank of Deputy Commissioner of Police on petitioner's complaint dated 26.09.2020 and complete the same within the time that may be framed by this Court and consequently, directing the fifth and sixth respondents to pay the compensation to the petitioner to the tune of Rs.10,00,000/-.

For Petitioner : Mr.A.Jeyaram

Party in Person

For R1 to R6 : Mr.R.Srinivasan

Government Advocate

COMMON ORDER

The petitioner Thiru.A.Jeyaram appears in person and he has filed the aforesaid three Criminal Original Petitions under Section 482 of Cr.P.C. CrI.O.P.(MD)No.11737 of 2020 has been filed for restraining the respondents from harassing him based on the complaint of the fourth respondent. The fourth respondent Mrs.Udhayam is the Defacto Complainant in Crime No.1398 of 2020 registered on the file of the Inspector of Police, Mathichayam Police Station for the offences under Sections 448, 427 and 506(2) of IPC and Sections 3(1)(r), 3(1)(s) and 3(1)(t) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. CrI.O.P.(MD)No.11739 of 2020 has been filed seeking permission to surrender before the Special Court and for a direction to consider the bail petition on the same day. CrI.O.P.(MD)No.11421 of 2020 has been filed for quashing the aforesaid FIR.



2. Heard the petitioner in person and the learned Government Advocate appearing for the respondent police and Mrs.Udhayam who is present in person before this Court.

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3. The petitioner Jeyaram is a lawyer practising before the Madurai Bench of Madras High Court. He had purchased house property from Mrs.Udhayam vide sale deed dated 10.11.2008 (registered as Document No.4686 of 2008) on the file of the SRO, Thallakulam. It bears Door No.5, Vivekananda 1st Street, Mathichiyam, Madurai-625 020. The said property is located from near the northern bank of river vaigai. Of-course, the Corporation road runs between the petitioner's property and the river bank. But in between, the Corporation road has been encroached upon. The Corporation has issued notice for removal of the encroachment. The Corporation issued notice in the name of Mrs.Udhayam. The said notice calls upon the noticee to remove the encroachment. It appears that southern compound wall of the property purchased by the petitioner was on the encroached land. The petitioner had on his own demolished the said southern wall. Further to the south, a residential construction put up by Mrs.Udhayam was there and she had earlier let out the property in favour of third parties. As a result of the demolition of the southern compound wall, the tenants of Mrs.Udhayam were left totally exposed. This gave rise to the present dispute between Mr.A.Jeyaram and Mrs.Udhayam.

4. I felt that this issue should be amicably resolved. Therefore, I requested Mrs.Udhayam to be present in this Court. Heeding to this request made by this Court, Mrs.Udhayam appeared in person. Since I wanted to get a better picture of the entire scenario, I also made a spot visit. I called upon both the parties to bury the hatchet and give a quietus to the issue. I am happy to record that my suggestion was accepted by both the parties. The petitioner Thiru.A.Jeyaram agrees to pay a sum of Rs.30,000/- as damages to Mrs.Udhayam for having carried out the demolition. Udhayam had accepted the said amount of Rs.30,000/- towards full and final settlement of all her claims against the petitioner. She also fairly told me that Thiru.A.Jeyaram did not make any offending remark concerning her community to her. She had given a complaint only based on hearsay. I must also note that in the FIR also, that is the very same stand which Mrs.Udhayam has taken.

5. I am clearly of the view that no case under SC & ST Act has been made out. In fact, the jurisdictional Police erred in registering the FIR under SC/ST (POA) Act, 1989. Mrs.Udhayam has no objection for quashing the FIR. Crime No.1398 of 2020 registered on the file of the Inspector of Police, Mathichiyam Police Station, stands quashed. The petitioner also undertakes to withdraw O.S.No.312 of 2020 filed before the District Munsif Court, Madurai



Town at the earliest. This undertaking is recorded.

6.The Commissioner, Madurai Corporation, was also present and it has been agreed by all the parties that the property purchased by the petitioner from Mrs.Udhayam vide sale deed dated 10.11.2008 will be surveyed and measured in the presence of both the parties. Appropriate proceedings will be issued by the Corporation surveyor in this regard. This exercised shall be done within a period of two months. It appears that the staircase belonging to Mrs.Udhayam is presently within the property purchased by Thiru.Jeyaram. Mrs.Udhayam agrees to remove the said staircase within a period of two months from the date of receipt of a copy of this order. Thereafter, it is open to Thiru.A.Jeyaram to put up a compound wall enclosing his property.

7.Criminal Original Petition (MD)No.11421 of 2020 is allowed. Criminal Original Petition (MD)Nos.11737 and 11739 of 2020 are closed. No orders are necessary in W.P.(MD)No.13930 of 2020. W.P.(MD)No.13930 of 2020 is also closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner of Police,
Madurai City,
Madurai 625 002.

2.The Assistant Commissioner of Police,
Anna Nagar Circle, Madurai City,
K.K.Nagar,
Madurai-625 020.



3.The Inspector of Police,
Mathichiyam (Law & Order) Police Station,
Mathichiyam,
Madurai-625 020.

4.The Director General of Police,
State of Tamil Nadu,
Mylapore, Chennai-600 004.

5.The Inspector General of Police,
South Zone, Madurai-625 002.

6.The Deputy Inspector General of Police,
Madurai Circle, Madurai-625 002.

7.The Commissioner,
Madurai Corporation,
Madurai.

8.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P (MD)Nos.11421, 11737 and 11739 of 2020
and
W.P. (MD)No.13930 of 2020
29.10.2020

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